

Please note: These transcripts are not individually reviewed and approved for accuracy.

AGENDA BRIEFING WORKSHOP
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET, 2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

WEDNESDAY JULY 18, 2001

9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Steven R. Jones

Jose Medina

Michael Paparian

STAFF

Mark Leary, Interim Executive Director

Karin Fish, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Deputy Director

Rubia Packard, Deputy Director

Pat Schiavo, Deputy Director

Patty Wohl, Deputy Director

Mark de Bie

Richard Castle

Martha Gildart

Melissa Gunter

Cara Morgan

Deborah McKee, Executive Secretary

Zane Poulson

Bernie Vlach

Shirly Willd-Wagner

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Lorraine Van Kekerix

Jon Whitehill

ALSO PRESENT

Bill Albright

Denise Delmatier

Sean Edgar

Terry Leveille

Kelly Smith

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

Please note: These transcripts are not individually reviewed and approved for accuracy.

iv

INDEX

Page

1.	Review of Monthly Board Meeting Agenda	1
2.	Discussion And Presentation of the Alternative Final Cover Assessment Program	51
3.	Discussion of and Request for Direction on Bureau of State Audits Report Recommendation Regarding Landfill Capacity (Recommendation Numbers 1 and 2)	79
4.	Discussion of and Request for Direction on Bureau of State Audits Report Recommendation Regarding the Board's 18-Month Inspection Program (Recommendation Number 7)	104
5.	Presentation of the Permit Toolbox	105
6.	Presentation of the Waste Tire Management Program 2000 Annual Report	122
7.	Update on SB 2202 Working Group Meetings Held to Discuss Potential Improvements to the Diversion Rate Measurement System	128
	Adjournment	141
	Reporter's Certificate	142

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to start
3 the public briefing and welcome everybody here.

4 I'm going to need a lot of patience today. I'm
5 just in from vacation. I'm a little jet-lagged, so please
6 bear with me. And, anyway, it's good to see everybody and
7 good to be back.

8 So we'll start with our monthly board meeting and
9 I'll turn it over to Interim Executive Director, Mark
10 Leary.

11 INTERIM EXECUTIVE DIRECTOR LEARY: Thank you,
12 Madam Chair and --

13 CHAIRPERSON MOULTON-PATTERSON: Help me along,
14 please.

15 INTERIM EXECUTIVE DIRECTOR LEARY: We will do our
16 best. On behalf of all of us, welcome back.

17 Today's agenda is, of course, our monthly agenda
18 review. And then we have six discussion or information
19 items for presentation to the Board. And then as part of
20 our monthly board meeting agenda, a little bit of
21 logistics to talk about. As we all know, we're in the
22 Long Beach City Council Chambers. For the Board's
23 information, we need to conclude our meeting around 4:30
24 in Long Beach and we need to be free of the premises by
25 5:00, because the City Council's meeting -- they are

1 meeting in the meeting room. And I understand there's
2 plenty of parking for the public available at the
3 building.

4 We have five items on consent in this month's
5 Board agenda, items 1, 7, 11, 12 and 13. And let me
6 correct myself, they are proposed for consent, of course.
7 And then Agenda Items 6 and 29 have been pulled.

8 We have proposed, at your direction, Madam Chair,
9 to -- and it's noticed on the agenda to complete Roman
10 Numeral Section 1 through the New Business Section Item 22
11 on the first day, that's Wednesday. And then the
12 remainder -- and also Agenda Item 33 on the first day, and
13 then the remainder of the agenda on Thursday. With Agenda
14 Items 24 and 23 in reverse order at -- we'd respectfully
15 request that we reverse Agenda Items 23 and 24 and do 24
16 before 23 on the morning of Thursday.

17 And that concludes my introduction to this
18 month's agenda.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you very
20 much. So we'll start -- we have one Continued Business
21 Agenda item, Avalon. Pat, are you going --

22 DEPUTY DIRECTOR SCHIAVO: That one is actually
23 proposed for consent.

24 CHAIRPERSON MOULTON-PATTERSON: Okay, that's
25 right. Okay, any questions on that one?

1 Seeing none, we'll go right to special waste.

2 Martha.

3 MS. WILLD-WAGNER: Actually, I'm up first.

4 CHAIRPERSON MOULTON-PATTERSON: Okay, Shirley.

5 MS. WILLD-WAGNER: Good morning, Shirley

6 Willd-Wagner, Used Oil and Household Hazardous Waste

7 Branch.

8 Agenda Item 2, presents staff recommendations for
9 addressing the impacts of antifreeze on the public health
10 and safety. This has been -- it's a new item, but it had
11 been presented before but not discussed.

12 There's three options that are presented to the
13 Board. The item has a lot of the background information
14 and the studies and information that the staff has
15 learned.

16 The option, number one, is to direct staff to
17 develop a legislative proposal to phase in a ban on the
18 ethylene glycol formulated antifreeze and promote the use
19 of propylene glycol formulated antifreeze. Staff is
20 actually recommending option 2, which is to develop a
21 legislative proposal to require the addition of an
22 aversive agent, a bittering agent such as denatonium
23 benzoate to ethylene glycol based antifreeze, and the
24 background -- and we will discuss in the presentation,
25 those two options that apply to what the bittering agent

1 looks like from the staff recommendation at this time.

2 We do expect possibly some public comment from
3 industry on the item. And we have received some
4 correspondence and the Board members have received
5 correspondence on this item also.

6 Any questions or further detail you'd like at
7 this time?

8 CHAIRPERSON MOULTON-PATTERSON: Any questions or
9 comments, at this time, on the antifreeze item?

10 I don't see any.

11 MS. WILLD-WAGNER: Okay. Agenda Item 3 is a
12 discussion item. It presents the opportunities and
13 barriers to public venue recycling. This is a joint
14 presentation that will actually be presented by Trevor
15 O'Shaughnessy of DPLA in his work with staff from Special
16 Waste Division and the Markets Division to put together a
17 summary of private efforts, local government efforts and
18 state efforts to recycle and increase recycling
19 opportunities in diversion at large public venues
20 throughout the State.

21 We'll also discuss some of the barriers that
22 occur out there in these venues and also specialty
23 opportunities for, perhaps, additional sponsors or
24 partnerships or ways to increase recycling at public
25 venues, discussion item only at this time. I'm not asking

1 for any direction.

2 Questions on that?

3 Number 4 then is the presentation of the grant
4 awards, the actual awards for the used oil block grant
5 program. This is the noncompetitive grant program. It
6 goes to all local governments that have a used oil
7 recycling program. And we are recommending awards in the
8 amount of \$11.4 million. About 97 percent of the State
9 will be represented by the used oil block grant.

10 What we've done this year is follow the Board's
11 direction from last September where you asked specifically
12 to have a listing of which agencies had complied with all
13 reporting requirements, also a list which identified
14 agencies who had not submitted all reporting requirements,
15 and perhaps owe the Board some money from previous block
16 grants unexpended funds. So we've identified those in the
17 resolution. And because those are continually daily
18 changing, we will issue a revised resolution next week to
19 everyone present. We'll have an updated list of those who
20 have completed the applications. And reports have come in
21 since the time of the deadline for the agenda items, so we
22 will have a revised resolution.

23 And I don't expect any speakers from the public
24 on that item?

25 Any questions?

1 CHAIRPERSON MOULTON-PATTERSON: Any questions?

2 Thank you.

3 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

4 Item number 5. Martha Gildart with the Waste Tire
5 Management Branch. This is the 5th cycle actually that
6 the Board will consider grants for this type of activity,
7 playground mats and surfacing and track and other
8 recreational surfacing.

9 We are proposing a fairly major change, though,
10 at this time. We're going to be splitting them into two
11 separate offerings, so that the playground mats will be
12 one grouping and the tracks and recreational surfaces will
13 be another. There will be up to \$800,000 available in the
14 playground mat grant, \$25,000 a piece with an equal match
15 required, unless they can show extreme financial hardship.

16 The track surfacing grant is up to \$100,000 a
17 piece for a total of one million dollars available. The
18 procedures we'll be using in evaluating are similar to
19 what we have presented in the last several grant cycles.
20 The eligible applicants are public entities that are open
21 to the general public not by the playgrounds. These have
22 to be public facilities.

23 And we are defining the extreme financial
24 hardship based on 64 percent or less of the median family
25 income that the Department of Finance establishes.

1 Any questions?

2 CHAIRPERSON MOULTON-PATTERSON: I have a question
3 and I don't know if it fits here, and it certainly would
4 be for the public, but I know Senator Roberti had brought
5 up, you know, the rims around swimming pools, does that
6 qualify or did we ever find out anymore?

7 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
8 He had brought that up under the school playground -- the
9 recycling equipment for school playground grant and that
10 was not included. However, in this instance, I would say
11 the recreational surfacing grant could. We are including
12 things such as matting under weight lifting equipment,
13 volley ball or tennis courts, a whole host of activities.

14 If someone would propose that, I would consider
15 it.

16 CHAIRPERSON MOULTON-PATTERSON: Okay, because it
17 just seems like, you know, kids running around pools that
18 it might be a softer fall. So would the Senator be
19 interested in pursuing that?

20 Okay, thank you.

21 Any other questions?

22 BOARD MEMBER JONES: Just two. Is it going to be
23 clear when they fill out these applications that these
24 tires be California tires or are at least US, and is it
25 going to be clear?

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 That is a requirement.

3 BOARD MEMBER JONES: And is it clear also that

4 it's either shavings or crumb? I mean, I don't --

5 remember the beef we got in a few years ago on one of the

6 crumb rubber manufacturers wanted to make sure that if it

7 wasn't crumb -- or it was shavings or whatever you call

8 it. Maybe shavings isn't the right word --

9 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

10 There is a technique they're using, loose fill under

11 playground equipment, but that's not been as popular. The

12 majority of the applications and grants we've given in the

13 past have been for the foreign place, which uses crumb,

14 but we wouldn't exclude the loose fill, which uses a

15 larger particle size.

16 BOARD MEMBER JONES: And the Bob Winters'

17 material was -- that's what that would be?

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 Actually, I believe he produces a size-range dealing with

20 either --

21 BOARD MEMBER JONES: You could use either. I

22 just remember one of our stakeholders trying to eliminate

23 one.

24 All right, thanks.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

2 Item 6 was pulled. That's it for the Division.

3 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you
4 both.

5 Waste Prevention and Market Development.

6 DEPUTY DIRECTOR WOHL: Patty Wohl, Waste
7 Prevention and Market Development.

8 INTERIM EXECUTIVE DIRECTOR LEARY: Excuse me,
9 Madam Chair, I think at the end of each division agenda,
10 you wanted to take public comment.

11 CHAIRPERSON MOULTON-PATTERSON: Thanks for your
12 help.

13 Any public comments on either the continued item
14 or anything in Special Waste that we've discussed?

15 Okay, so we'll go back to Patty.

16 DEPUTY DIRECTOR WOHL: Item 7 is scope of work
17 that's on consent. This is a concept of a multi-year
18 multi-shift contract for the Recycled Product Trade Show.
19 We're hoping that by doing it for three years we can
20 possibly gain some economies of scale with a consistent
21 show producer, we can gain some continuity between show to
22 show.

23 There will be some flexibility of money across
24 fiscal years, but we've had some issues with that, and
25 hopefully some greater lead time for show development.

1 The concept proposes doing a southern trade show
2 this upcoming year, which, you know, will be at the
3 Disneyland Hotel and then proposes two per year thereafter
4 on north and south. Obviously, that would be depending on
5 the availability of funds and possibly the experience we
6 gained from doing this southern California show.

7 CHAIRPERSON MOULTON-PATTERSON: Any questions?

8 BOARD MEMBER PAPARIAN: Madam Chair, I just
9 wanted to -- kind of, apart from the agenda item itself,
10 if I could get a revenue and expenditures report from the
11 spring trade show?

12 DEPUTY DIRECTOR WOHL: Yes. In fact, I'm close
13 to having that finalized and I'll just send it out to you
14 under separate cover before the next board meeting.

15 BOARD MEMBER PAPARIAN: Thank you.

16 CHAIRPERSON MOULTON-PATTERSON: Okay.

17 DEPUTY DIRECTOR WOHL: Item 8 is the Adoption of
18 the Emergency Regulations Regarding Using the Previous
19 Year's Rate. This is a follow-up from the discussion item
20 last month where you agreed that you wanted to use the
21 previous year's rate in sort of a prospective manner. So
22 we will be bringing forward the emergency regulations
23 regarding that. And they are in Attachment 1, you can see
24 the actual wording.

25 CHAIRPERSON MOULTON-PATTERSON: Any questions?

1 DEPUTY DIRECTOR WOHL: Agenda Item 9 is
2 Consideration of Approval of the 2000 Rigid Plastic
3 Packaging Container and the PET recycling rates. If I can
4 draw your attention maybe to the options on page 9-2,
5 there are four options. The rate this year runs from a
6 range of 22.7 percent up to 25.1 percent with the best
7 rate being 23.8 percent. So there's obviously a little
8 flexibility in there. The high end of the range goes
9 beyond the 25 percent rate and if they're above 25
10 percent, they're considered in compliance.

11 Staff is proposing that you adopt the best rate
12 of 23.8 percent, but that you do not exercise the
13 flexibility of doing the cert, so that you do not do a
14 certification for those companies.

15 We're in the middle of the certification process
16 now, as you know. And because there is an opportunity
17 that that rate may or may not be at 25 percent or above,
18 that's our recommendation.

19 Obviously, we've given you several options.
20 Number one being to adopt the range, which, in a sense,
21 sort of gives you the opportunity to say that it is 25
22 percent or above. And then options 3 and 4 are saying we
23 got the best rate of 23.8 percent, but we do some sort of
24 limited certification process.

25 Are there any questions?

1 CHAIRPERSON MOULTON-PATTERSON: I don't see any.

2 Thank you.

3 DEPUTY DIRECTOR WOHL: Okay. Then agenda Item
4 number 10 is bringing you the next 16 compliance
5 agreements. So this is going to be sort of standard
6 practice. There were no companies that we're bringing
7 forward for hearing this month.

8 That's it for me, if you have any questions.

9 CHAIRPERSON MOULTON-PATTERSON: Just a moment.
10 Anything on that one?

11 BOARD MEMBER JONES: Madam Chair.

12 CHAIRPERSON MOULTON-PATTERSON: Steve.

13 BOARD MEMBER JONES: Thanks, Madam Chair. The 16
14 that we're bringing forward, and you just refreshed my
15 memory, is a portion of how many, was it?

16 DEPUTY DIRECTOR WOHL: We with think we have
17 about 180 that we think might be compliance --

18 BOARD MEMBER JONES: They're going to have to go
19 through compliance hearings. I thought it was something
20 like that.

21 DEPUTY DIRECTOR WOHL: I think we did 22 last
22 month. This is 16 this month.

23 BOARD MEMBER JONES: Right. So if we are
24 and they're -- I mean, they're going in compliance so that
25 in the future their packaging is going to meet the

1 requirements of light weight or recycled content. So if
2 we go with 23.8 and don't do certifications because we've
3 got three-year certifications going on or that's been
4 conducted, and as a result of that, we've got 160 or so
5 companies coming forward to comply, and then prospective
6 we would look at -- we'd publish that at 23.8. People
7 would know in the industries that we're still not at the
8 number to be prepared for the following year, so they can
9 actually work a little bit towards, proactively towards,
10 evaluating their packaging before the next certification
11 series, if they don't go from 23.8 up to a solid 25.

12 DEPUTY DIRECTOR WOHL: That's correct. And, in
13 fact, by adopting that rate, you're adopting it for the
14 year 2000 and 2001, because you're using the previous
15 year's rate, based on that agenda item prior to that, so
16 they all kind of tie together.

17 BOARD MEMBER JONES: Okay. So a limited
18 certification for 2001 would be legitimate under the new
19 emergency regs, if they're passed and going and looking
20 forward as an option?

21 DEPUTY DIRECTOR WOHL: Yes.

22 BOARD MEMBER JONES: And they would have time.
23 Okay, thanks.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you. Any
25 public comments on Item 7 through 10, Waste Prevention and

1 Market Development?

2 Seeing none, we'll move on to Diversion, Planning
3 and Local assistance.

4 Pat.

5 DEPUTY DIRECTOR SCHIAVO: As Mark mentioned,
6 Items 11, 12 and 13 are proposed for consent. Items 14
7 through 17 are new base years. And item number 14 is the
8 City of Westmoreland. They have a relatively small
9 population and --

10 BOARD MEMBER PAPARIAN: I'm sorry, excuse me,
11 Madam Chair?

12 CHAIRPERSON MOULTON-PATTERSON: Yes.

13 BOARD MEMBER PAPARIAN: I did have a question on
14 13, even though it's on consent.

15 DEPUTY DIRECTOR SCHIAVO: Sure.

16 BOARD MEMBER PAPARIAN: The NDFE change is for a
17 facility in an area where I understand there have been
18 some environmental justice concerns raised in the past. I
19 also understand that that wasn't -- that we'll be seeing a
20 permitting issue later on for this facility, but I just
21 wanted to raise a flag that maybe we may want to look at
22 the types of instructions we give on NDFE changes at some
23 point in the future to catch whether there might be
24 environmental justice related concerns associated with
25 those.

1 So I'm not asking to pull this off consent, but
2 it did strike me that this was something I may want to
3 look at in the future.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Okay, we'll go on to 14.

6 DEPUTY DIRECTOR SCHIAVO: Item 14 is the City of
7 Westmoreland, as I mentioned, in Imperial County. It's a
8 relatively small population. It has a pounds per person
9 per day of just over six pounds. Their diversion rate is
10 about 19, which is relatively low. And their source
11 reduction is just under three percent for the residential
12 sector and about four percent for the commercial sector.

13 They, you know, because of the apparent
14 efficiency in the program area, staff are actively working
15 with them to implement additional programs.

16 And that's it. So are there any questions on
17 Westmoreland?

18 Okay, the next item is the City of Sand City.
19 And the City of Sand City has a population of about 190,
20 so it's really, really small. It's dominated by a large
21 shopping complex, so the pounds per person per day is just
22 under four. The diversion rate is 51 percent. And so
23 it's interesting to see.

24 CHAIRPERSON MOULTON-PATTERSON: That is a city,
25 right, Sand City, right?

1 DEPUTY DIRECTOR SCHIAVO: Yeah.

2 CHAIRPERSON MOULTON-PATTERSON: I remember there
3 was some controversial things on the Coastal Commission.
4 Have our dealings been -- you know, has everything been
5 fine with them?

6 DEPUTY DIRECTOR SCHIAVO: I'm not aware of any
7 issues with them with the Coastal Commission at all.
8 Maybe it had to do --

9 CHAIRPERSON MOULTON-PATTERSON: It was five years
10 back.

11 DEPUTY DIRECTOR SCHIAVO: I'm not aware of
12 anything. But, again, it's just dominated by a huge
13 shopping complex.

14 BOARD MEMBER PAPARIAN: Madam Chair.

15 CHAIRPERSON MOULTON-PATTERSON: I think that was
16 the controversy.

17 Yes, Mike.

18 BOARD MEMBER PAPARIAN: Yes, I do have some
19 questions about this one. And some of it maybe we'll get
20 into at the Board meeting. But let me just ask a couple
21 right now and make sure I'm understanding things right.

22 On page 15-13, it must have been in Generator
23 number 10, there were some wood pallets. What appears to
24 me is they have 72 pallets going out the door every week
25 and then 72 pallets coming back, presumably every week.

1 And it looks like the counting is that those 72 pallets
2 are counted every single week. They're counted 52 times.
3 And my understanding was that we were supposed to count
4 them only once.

5 DEPUTY DIRECTOR SCHIAVO: Okay.

6 BOARD MEMBER PAPARIAN: Do you see where I'm at
7 in the middle of the page at 15-13.

8 DEPUTY DIRECTOR SCHIAVO: Yeah. They ended up
9 being one percent of their diversion rate. I'll go back
10 and reconfirm that was based on it, because it is supposed
11 to be one time per pallet.

12 BOARD MEMBER PAPARIAN: I'm not sure if there
13 were other pallets in this or not.

14 Then on the page before that, 15-12, you had a
15 large generator producing one-and-a-half-ton bales of
16 cardboard, somewhere between 12 and 15 bales a week. And
17 what was done in the survey was to average between 12 and
18 15, so you came up with 13 and a half bales. And then
19 multiplied that by 52 weeks a year.

20 My question is did anybody look -- with that much
21 tonnage going out the door every week for recycling,
22 presumably they're selling this somewhere, and there must
23 be weight tickets somewhere where they sold them. And I'm
24 wondering whether anybody went to look at those weight
25 tickets to confirm that the estimated average of 13 and a

1 half bales a week is, in fact, realistic?

2 BOARD MEMBER JONES: Madam Chairman.

3 CHAIRPERSON MOULTON-PATTERSON: Steve.

4 BOARD MEMBER JONES: Mr. Paparian, just one -- I
5 agree with you on the receipts, but at 1,300 pounds a
6 piece and 13 bales a week, it's about eight tons. So it's
7 part of the -- it's going to be picked up as part of a
8 stop, because the truck that's picking it up in all
9 likelihood is hauling about 22 tons of material and
10 probably about maybe 26 to 30 bales depending upon their
11 weights.

12 So what they're delivering would probably be a
13 whole load, you know, with other generators, which may
14 make a difference in the receipt issue is all I'm bringing
15 up.

16 BOARD MEMBER PAPARIAN: I mean, how much did you
17 think was being carried away in a load?

18 BOARD MEMBER JONES: On these kinds of things
19 when you've got bales like that, this represents about
20 eight tons. And a legal load is going to be about 20 to
21 22.

22 BOARD MEMBER PAPARIAN: If you look at the top of
23 the page there what they're saying is 19.5 tons per week.

24 BOARD MEMBER JONES: How many bales? They're
25 saying 13 --

1 BOARD MEMBER PAPARIAN: Thirteen and a half bales
2 at 1.45 tons per bale. They're pretty big bales.

3 BOARD MEMBER JONES: No, 1.45 ton bales are -- I
4 mean, that's a 3,000 pound bail of cardboard. Somebody
5 needs to look -- that's pretty stout.

6 DEPUTY DIRECTOR SCHIAVO: Staff did go out into
7 the field and did reconfirm with the hauler in the area,
8 but we did not check the weight tickets in this particular
9 case, but they did go out and visually check. Whether or
10 not they're two big bales, we'll reconfirm.

11 BOARD MEMBER JONES: A 3,000 ton bale is a pretty
12 stout bale.

13 DEPUTY DIRECTOR SCHIAVO: We're also talking
14 about a pretty huge complex that all this is coming from.

15 BOARD MEMBER JONES: I don't doubt that they've
16 got the bales, but a three ton bale is a -- I don't think
17 you could get at the garbage to bale it at 3,000 tons.

18 DEPUTY DIRECTOR SCHIAVO: Well, 3,000 pounds.

19 BOARD MEMBER JONES: Three thousand pounds, I'm
20 sorry.

21 DEPUTY DIRECTOR SCHIAVO: We'll go back and make
22 sure that the weight tickets match up, but we were in the
23 field looking at this.

24 BOARD MEMBER PAPARIAN: Yeah, and on this
25 particular instance, with these bales, a little bit of a

1 difference in the bale calculations, either the number per
2 week or the number per year or the size of the bale makes
3 a difference as to whether the City is over 50 percent or
4 under 50 percent.

5 CHAIRPERSON MOULTON-PATTERSON: Thanks for
6 bringing that up.

7 Thanks, Steve.

8 DEPUTY DIRECTOR SCHIAVO: The next item is Item
9 number 16, Rancho Palos Verdes. They're a population of
10 over 40,000 pounds per person is six and a half. They
11 have a diversion rate proposed at 38 percent. Their
12 source reduction is about four and a half percent of the
13 total amount.

14 Any questions on that?

15 BOARD MEMBER PAPARIAN: Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Mike.

17 BOARD MEMBER PAPARIAN: The grass cycling number,
18 in this one from the city parks, I believe it was. Do you
19 have any idea, did they just calculate the acreage of the
20 city parks and figure that or did they actually go out and
21 figure how much of the city parks -- how many of the city
22 parks -- how much acreage in the parks is actually grass
23 that's being grass cycled?

24 DEPUTY DIRECTOR SCHIAVO: They estimate the -- on
25 this particular case, they estimated the amount of

1 acreage, and then they used the conversion factor that is
2 promoted up on our web site of 350 to 450. And the 7.62
3 is consistent with that.

4 BOARD MEMBER PAPARIAN: They estimated the
5 acreage that's actually mowed grass?

6 DEPUTY DIRECTOR SCHIAVO: Right. When you're
7 estimating parks, I mean, that's what it is, it's an
8 estimate.

9 BOARD MEMBER PAPARIAN: Yeah, I just, from my
10 knowledge of Rancho Palos Verdes that comes out to about
11 200 acres of mowed grass in parks, that is apart from
12 their golf course, which is on a separate line in here.
13 And I question in my mind whether 200 acres is actually
14 mowed grass in their parks. We have a lot of very
15 beautiful parks, but they're not mowed grass.

16 DEPUTY DIRECTOR SCHIAVO: We'll double check
17 that.

18 CHAIRPERSON MOULTON-PATTERSON: Westlake Village.

19 DEPUTY DIRECTOR SCHIAVO: Westlake Village,
20 they're about -- okay, there are 8,500 people. They have
21 a pounds per person that's really high, much higher than
22 the State average, which is 28. The diversion rate is
23 proposed for 32 percent. They're not claiming any source
24 reduction. And part of the reason for the real high
25 pounds per person per day is because they import about

1 14,000 employees from other communities that come in, that
2 it's almost double their resident population.

3 They also have some major commerce centers, such
4 as Dole Pineapple and others in the area. But again their
5 diversion rate doesn't appear high. And what they're
6 claiming for the programs appears very reasonable.

7 BOARD MEMBER JONES: Madam Chair?

8 CHAIRPERSON MOULTON-PATTERSON: Steve.

9 BOARD MEMBER JONES: Pat, on the first page 1703,
10 the form just isn't who did the work. And who signs the
11 form on my copy isn't done.

12 DEPUTY DIRECTOR SCHIAVO: Oh, okay. That was --
13 this probably is an updated form.

14 BOARD MEMBER JONES: I may not have an updated
15 form. I don't know who did this work or who signed this
16 thing.

17 DEPUTY DIRECTOR SCHIAVO: We'll get that for you.
18 That was an updated form that was inserted.

19 CHAIRPERSON MOULTON-PATTERSON: Number 18.

20 DEPUTY DIRECTOR SCHIAVO: Number 18 is Pico
21 Rivera. It has a population of 65,000 people. The pounds
22 per person is about 16. The diversion rate is 39 percent.
23 And their source reduction is three and a half percent of
24 the total.

25 CHAIRPERSON MOULTON-PATTERSON: So they were on a

1 compliance order?

2 DEPUTY DIRECTOR SCHIAVO: Yes, both 18 and 19,
3 Pico Rivera and Bell Gardens were both on compliance
4 orders and we're actually looking also at their 1997/98
5 biennial reviews.

6 CHAIRPERSON MOULTON-PATTERSON: In the case of
7 Pico Rivera, my notes here say that they didn't implement
8 their procurement program or their economic incentives and
9 school programs that they had proposed.

10 DEPUTY DIRECTOR SCHIAVO: I'm not sure about the
11 details of that.

12 CHAIRPERSON MOULTON-PATTERSON: Could you check
13 on that?

14 DEPUTY DIRECTOR SCHIAVO: Yeah. Any other
15 questions?

16 BOARD MEMBER JONES: You may have somebody that
17 can answer that.

18 MR. POULSON: Zane Poulson, the Office of Local
19 Assistance. Their compliance order is two parts, one was
20 for doing their new numbers, new base years, but also they
21 had a compliance order for doing new programs. So that
22 may be where the confusion is, where they had to also
23 implement programs -- and they have done -- they did sign
24 an assistance plan and a workplan and they have completed
25 those programs. So that may be where the confusion is.

1 They had several programs. And I think the
2 procurement policy, the C&D ordinance and several other
3 different things they were putting together in their
4 compliance order.

5 CHAIRPERSON MOULTON-PATTERSON: The attachment
6 there listed is not --

7 MR. POULSON: That shows on the list of things
8 that I -- that's because that's 1999, and those things
9 weren't actually implemented till 2000. Their compliance
10 order, I believe, was September of 1999, so they
11 actually -- the assistance plan wasn't assigned until
12 2000, that's why it doesn't show up on the list.

13 CHAIRPERSON MOULTON-PATTERSON: They have been
14 working hard on this?

15 MR. POULSON: Yes, they have. They have
16 completed all of those things.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 BOARD MEMBER JONES: Madam Chair, I've got two
19 questions on this one.

20 CHAIRPERSON MOULTON-PATTERSON: Steve.

21 BOARD MEMBER JONES: They're recycling shopping
22 carts. And it's not a lot of weight. It's just I hate
23 seeing holes. I don't think I've ever seen shopping cart
24 recycling listed in a diversion plan. And they've got two
25 of their folks that are doing rendering.

1 And I mean we've been doing rendering for over
2 100 years, and they have to be able to prove that one
3 percent of that waste stream -- or one-tenth of one
4 percent of that waste stream went to the landfill. And
5 there's always been prohibitions on taking that kind of
6 slaughterhouse waste to landfills or there have been --
7 there was before AB 939.

8 But that's huge tonnage. And I know we've never
9 had a direct policy issue because of -- or discussion
10 because of the one-tenth of one percent, but how do they
11 know that the stuff use to go to the landfill? And it
12 can't be table scraps out of somebody's house, because
13 that's not where the waste was generated. It was
14 generated in a rendering plant.

15 But I think we need to, at some point, really
16 look at this, because there's 5,000 tons of diversion that
17 may be out of a rendering plant. That's a legitimate
18 recycling operation there. I'm not questioning that, but
19 it was never part of 1990/91's programs.

20 And one other question, did they identify
21 rendering in their original SRRE about that this was the
22 program they were going to do, that it was approved?

23 DEPUTY DIRECTOR SCHIAVO: I'm not aware if they
24 did originally, but I would like to provide some
25 clarification on the waste stream. It's based on the

1 material type not generator, when the material goes into
2 the landfill, so you look at was it .01 of the generated
3 waste stream that's in the landfill, so it could come from
4 any source.

5 And, again, it's not based on generator, it's
6 based on what's in the landfill.

7 BOARD MEMBER JONES: I understand that, but
8 unless somebody can tell me differently, I don't remember
9 ever being allowed to take in slaughterhouse waste at a
10 landfill. I may be wrong. There's people here from the
11 Water Board. There are some folks here from the Waste
12 Board. I don't remember ever being allowed to do that. I
13 thought there was prohibition about it.

14 And while scraps from raw meat may be able to
15 quantify it with one-tenth of one percent, they didn't
16 come -- if they didn't come from a rendering plant, I
17 don't see it as the same source of waste material. And
18 that's all I'm bringing up, because it's huge diversion.

19 CHAIRPERSON MOULTON-PATTERSON: How does the City
20 of Vernon handle that, because they have a huge rendering
21 plant there? You might look at that.

22 DEPUTY DIRECTOR SCHIAVO: Okay.

23 CHAIRPERSON MOULTON-PATTERSON: Any other
24 questions on 18?

25 BOARD MEMBER PAPARIAN: Yes, Madam Chair.

1 CHAIRPERSON MOULTON-PATTERSON: Mike.

2 BOARD MEMBER PAPARIAN: There seems to be a
3 pretty high number for landfill salvage. They're getting
4 25,000 tons at landfill salvage and dirt asphalt and
5 concrete. And I guess the LA County Sand District was
6 able to isolate that as coming from Pico Rivera, but I'm
7 wondering if there was some anomaly there where, you know,
8 there's some huge deconstruction project of some sort or
9 road project or, you know, what might be causing them to
10 get such high numbers in landfill salvage, when other
11 localities don't seem to be getting numbers that high.

12 DEPUTY DIRECTOR SCHIAVO: Okay.

13 CHAIRPERSON MOULTON-PATTERSON: Number 19.

14 DEPUTY DIRECTOR SCHIAVO: Number 19 is the City
15 of Bell Gardens. It's 48,000 population. The pounds per
16 person per day, again, is below the statewide average.
17 It's at eight. A diversion rate of 34 percent and their
18 source reduction is less than two percent.

19 CHAIRPERSON MOULTON-PATTERSON: I have a question
20 on that one on page 19-3, it says that the City has
21 reported successfully implementing source reduction and
22 recycling public education programs, such as the Business
23 Waste Reduction Program.

24 I was just wondering, they have a large, large
25 casino in that city. Do they work with them or do you

1 know?

2 DEPUTY DIRECTOR SCHIAVO: I don't know offhand.

3 CHAIRPERSON MOULTON-PATTERSON: I'd just be
4 interested, because it's big and it's been around for a
5 long time, if they have, you know, any efforts? I know it
6 would be voluntarily, but because I believe it's privately
7 owned.

8 MR. POULSON: I do know that that one was audited
9 and they did find some -- that was one of the business
10 audits.

11 CHAIRPERSON MOULTON-PATTERSON: Oh, really?

12 MR. POULSON: Yes. So they did find some source
13 reduction recycling. The recycling was included in part
14 of the diversion.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 DEPUTY DIRECTOR SCHIAVO: We just don't know how
17 actively they participate with each other.

18 Any other questions on that?

19 Item number 20 is a CIWMP Enforcement Part II.
20 This has been brought before the Board on two different
21 occasions as a discussion item. It's also been
22 disseminated out to the local jurisdictions through our
23 list server on a couple of occasions. And it's
24 essentially unchanged from the discussion item
25 presentations, as we haven't received substantive

1 information.

2 There were issues that we started hearing
3 percolating, if you will, at the CRA conference, but I'm
4 not sure, you know, what the status of those are at this
5 time. We're working with a couple other people to provide
6 them with clarification on, you know, page 20.5 with those
7 four scenarios, because we tried to capture every possible
8 scenario.

9 And then within those, the Board has its
10 discretion on how it wants to act.

11 CHAIRPERSON MOULTON-PATTERSON: Questions?

12 DEPUTY DIRECTOR SCHIAVO: Item number 21 is
13 consideration of staff recommendation on the biennial
14 review process. This is essentially the same process that
15 we applied in 1995/96. We did a more abbreviated process
16 in 97/98, but we captured the main spirit of this. And,
17 again, we're looking at the 99/2000 being essentially the
18 same process with the addition of incorporation of the SB
19 1066 process, as well as some of the language in SB 2202,
20 in which the Board took some prior action as far as
21 related to the 120-day process we have in getting back to
22 jurisdictions.

23 CHAIRPERSON MOULTON-PATTERSON: Questions?

24 DEPUTY DIRECTOR SCHIAVO: Okay. Item number 22
25 is staff recommendation on the reviews of findings of a

1 number of different state agencies in response to
2 compliance with AB 75. And these are those State agencies
3 that had a projected diversion rate of less than 20
4 percent or greater than 70 percent. All of them show
5 meeting, you know, the goal in 2002 as well as 2004.

6 And so we have a listing with a matrix that shows
7 the types of programs that they planned and are currently
8 implementing, as well as information regarding the State
9 agency buy recycle campaign.

10 CHAIRPERSON MOULTON-PATTERSON: Mike.

11 BOARD MEMBER PAPARIAN: Thank you. Yeah, I took
12 a look at some of these. The one that I looked at in some
13 detail was the Cal State Bakersfield. And kind of what
14 struck me on Cal State Bakersfield is that even though
15 they aren't participating with other universities and
16 college campuses in California in the Collegiate Recycling
17 Council, where a lot of campuses get together, talk about
18 how to improve their systems and so forth, they come up
19 with one of the best recycling rates of any campus in
20 California.

21 And at the same time they come up with the best
22 recycling rate of any campus in California, even though
23 their SABRC numbers are really poor, they're actually, you
24 know, buying recycled product. They're buying a lot of
25 nonrecycled products as opposed to recycled products.

1 Then when I actually look at the numbers in here,
2 I kind of wonder about it too, because it's a 6,500
3 student campus with 800 employees generating in a year 176
4 tons of waste. And even using your guide, your AB 75
5 guide, which I had some questions about how the tonnage
6 per student and per employee for campuses worked in that
7 guide, you used those numbers from that guide, it ought to
8 be closer to 1,000 tons a year than 176 tons a year
9 generated at the campus.

10 And then a lot of their -- in fact, most of their
11 recycling appears to be coming from grass cycling. They
12 get 675 tons from grass cycling, which if you work it
13 backwards from the numbers comes out to nearly 90 acres of
14 mowed grass on the campus, which for that campus to have
15 90 acres of mowed grass, well maybe, but in Bakersfield.
16 I'm just not sure that Cal State Bakersfield would have
17 that have much mowed grass.

18 So there's a lot of questions I have about this.
19 I'm not quite sure what to do about that. Looking at just
20 this one plan, it just doesn't seem quite right to me.

21 DEPUTY DIRECTOR SCHIAVO: Okay, one thing I would
22 like to mention is that the proposed or the projected
23 diversion rates that are included for all of these were
24 based, a lot of the times, on maybe three months of data
25 and then projected out over the year, because of the

1 urgency of getting the bill implemented in the dates that
2 were contained in the legislation.

3 So they took two, three or four months of just
4 broad data, in many cases probably inaccurate data to
5 extrapolate out to what their current rate would be for
6 that year. Because we're doing new generation studies
7 each year with the State agencies, I would hope, and
8 that's what we're trying to promote, is that it put a lot
9 more thought into these numbers, because they will be
10 scrutinized for the April 2002 process and it's a whole
11 different game, because then they'll be showing the
12 progress.

13 What we're focusing mostly on was the program
14 implementation and did the programs being implemented look
15 consistent with some of the other like facilities and did
16 it look like it was going to get them to those particular
17 goals, the 25 percent in 2002 and 50 percent in 2004. But
18 these initial numbers are just real wild estimates, again,
19 based on three and four months of raw data that was put
20 together.

21 BOARD MEMBER PAPARIAN: So then the question I'm
22 grappling with is what do I do with something like that?
23 If I have, you know, serious questions and doubts about
24 their projections, you know, do I vote for it? Do I go
25 through and wait for the real numbers to happen or, you

1 know, do we go back and ask folks if it seems like they
2 may be way off base? Do we ask them to take another look
3 at it?

4 DEPUTY DIRECTOR SCHIAVO: Part of the whole
5 process here is, again, focusing mostly on the program
6 implementation and it doesn't appear that those programs
7 are going to get them to their particular goals. And once
8 we got through this planning phase, we're getting staff
9 out into the field to actually go out to the sites and,
10 you know, visually look at the sites, provide technical
11 assistance, look at the programs in a little bit more
12 detail once they're out there.

13 But through this planning process was mostly you
14 know, plans came in, and with the resource constraints, it
15 was review the plans, do they look consistent with, again,
16 other like facilities? Does it appear that these programs
17 are going to be given there and looking at it from a
18 reasonableness perspective?

19 But the numbers themselves again were, you know,
20 based on two, three, four months of data projected. And
21 with that, you don't know, you know, their seasonality
22 variations and so forth. But you can't even take that
23 into account with what we started with because of the
24 dates that were set forth in the initial statute.

25 BOARD MEMBER PAPARIAN: Do we have any plans for

1 when they start giving us real numbers next year on their
2 annual reports, do we have any plans for auditing those
3 numbers at all?

4 DEPUTY DIRECTOR SCHIAVO: That's part of the
5 process. We're actually dovetailing some of that with
6 some of the other efforts that we're making with local
7 jurisdictions. We're actually starting to work on that
8 now.

9 BOARD MEMBER PAPARIAN: Thanks.

10 CHAIRPERSON MOULTON-PATTERSON: Jose.

11 BOARD MEMBER MEDINA: Yeah, I had a question in
12 regard to the information regarding CalTrans. They have
13 11 districts and four districts plus headquarters have
14 responded. Do you know what's happening with the other
15 districts?

16 DEPUTY DIRECTOR SCHIAVO: The other districts
17 have all responded and some of them have been approved
18 administratively. These were the ones, again, that were
19 either below 20 percent diversion rate or above 70, so
20 this is not a look at all the facilities that have
21 reported.

22 BOARD MEMBER MEDINA: The districts that you have
23 in here, District 2, I know, that the director is very
24 conscientious in this regard and so he'd be surprised to
25 have a diversion rate.

1 District 1 should be more in line with district
2 2, because they usually work together and it seems low.

3 DEPUTY DIRECTOR SCHIAVO: One of the issues that
4 we're dealing with in CalTrans, again, because of how
5 quickly we had to have these plans put together and
6 reviewed, is that CalTrans has an awful lot of projects
7 and a lot of their materials were reported through
8 District 1. And we're looking at a process for allocating
9 out that material that was diverted. And so we know
10 there's a lot of diversion, but we're still working on the
11 allocation. And you're right, they should be more in
12 line.

13 BOARD MEMBER MEDINA: And then District 4, that's
14 the Oakland/San Francisco/Marin and San Jose, and that's
15 exceptionally low. Do you know what's happening there?

16 DEPUTY DIRECTOR SCHIAVO: I think, again, it's
17 the allocation issue. We're working with them to allocate
18 this out appropriately. They're doing a lot of programs.
19 We know they're diverting a lot. They've been very
20 proactive in working with some of the locals. And again,
21 it's just the anomaly of, you know, the one district
22 getting all this material right now and it has to be
23 broken out to the others.

24 BOARD MEMBER MEDINA: And District 7, Los
25 Angeles, and District 11 San Diego, do you have that

1 information as well?

2 DEPUTY DIRECTOR SCHIAVO: Yeah, we do have that.

3 BOARD MEMBER MEDINA: I'd like to see that.

4 DEPUTY DIRECTOR SCHIAVO: Okay, that was 11 -- or
5 7 and --

6 BOARD MEMBER MEDINA: Seven is Los Angeles and 11
7 is San Diego.

8 DEPUTY DIRECTOR SCHIAVO: Okay.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you for
10 bringing that up.

11 Okay, and we're going to be taking 24 before 23
12 at the Board meeting. Julie, do you want to do 24 now and
13 we'll just do it the way we're going to do it at the Board
14 meeting?

15 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair,
16 Julie Nauman.

17 CHAIRPERSON MOULTON-PATTERSON: Okay, number 24,
18 Julie.

19 DEPUTY DIRECTOR NAUMAN: Thank you. Twenty-four
20 is a discussion and a request for direction item. This is
21 one of the many Board policies that late last year began
22 the process of reviewing. And staff has brought forward
23 several of those policies.

24 This is a policy related to Alternative Daily
25 Cover. The item itself examines the background of Board

1 policy and authority to allow facilities to utilize
2 alternative daily cover. It talks about some options that
3 the Board may want to consider with respect to this
4 policy.

5 We had developed this item, as I indicated, as a
6 review of the policy item. And interestingly enough some
7 other events occurred that led to the development of Item
8 23, which links back to -- our approach here is to present
9 Item 24 as kind of a policy foundation and background for
10 your review of Item 23 that Pat will present, which talks
11 about some specific instances of reporting relative to
12 ADC.

13 CHAIRPERSON MOULTON-PATTERSON: So it certainly
14 makes sense to take 24 first.

15 DEPUTY DIRECTOR NAUMAN: We thought so.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you. Any
17 questions for Julie at this time on 24?

18 Okay, we'll go back to 23 and that will finish up
19 Pat's items.

20 DEPUTY DIRECTOR SCHIAVO: Back to 23. We wrote
21 this out into three component parts. And, again, this was
22 a joint effort and went out to the field looking at both
23 the reporting functions and the potential misuse of
24 materials.

25 The first component part is dealing with inerts,

1 and we found a couple of facilities in southern California
2 that had or appear to have a disproportionate amount of,
3 at least it was initially, ADC that was being reported and
4 spent in the last two quarters. And upon further
5 questioning, it sounds like they wanted to define it as a
6 beneficial use.

7 But nevertheless, the amounts seem
8 disproportionately high. We're really concerned about
9 that. At one facility it shows that there's disposal of
10 seven percent and beneficial use of 93 percent of the
11 material that goes through that facility. And so that
12 really raised our eyebrows as well as the other facility,
13 which shows 50 percent being disposed and 50 percent being
14 used as beneficial use. So we're bringing that forward to
15 the Board.

16 And we're going to be having the
17 recommendations -- we're still waiting for more
18 information from several of these facilities, but we do
19 have laid out various options for you.

20 The next part is those materials that were being
21 applied as ADC. Again, we noticed a disproportionately
22 high level of ADC being reported. And going out into the
23 field, we found that there didn't seem to be any apparent
24 misuse, but it appeared to be misreporting. Earlier
25 investigating some of these, we found it was misreporting

1 and some of the material reported should not have been
2 reported as ADC, but as beneficial use at these
3 facilities.

4 Part of the problem appeared to be one of
5 administration, and that's dealing with the reporting form
6 that they're using where it didn't allow for the breakout
7 of the various material types. We made a contact with the
8 County of Los Angeles and submitted to them a mock-up form
9 or a form they could use that would capture all this
10 information, so we have been in contact regarding that.

11 And then the last component part is potential
12 misuse of ADC at three facilities, and we're still
13 awaiting for additional information on those.

14 And the reason that we feel that item -- some of
15 the elements of Item number 23 are critical is that they
16 do impact the biennial review process for the year 2000
17 goal, which is supposed to be commencing this fall, and so
18 we need to have a pretty quick resolution of this, because
19 those tons need to be appropriated out.

20 CHAIRPERSON MOULTON-PATTERSON: Any board members
21 or advisor questions on 23?

22 BOARD MEMBER PAPARIAN: Quick question.

23 CHAIRPERSON MOULTON-PATTERSON: Mike.

24 BOARD MEMBER PAPARIAN: If you go to a landfill
25 and find that too much -- you know, there's too high an

1 ADC number, you know, 24 inches on it instead of 18 or 12
2 or whatever it's supposed to put on it, that difference
3 then, essentially, is disposed waste instead of ADC,
4 right?

5 DEPUTY DIRECTOR SCHIAVO: Yeah. It's actually
6 done through a physical inspection looking at whether or
7 not it's an appropriate use. The numbers will allow us to
8 look at is there a potential of that, and then by further
9 investigating the numbers, we do the physical assessment
10 and then the determination is made, because again
11 sometimes it's just a misreporting function.

12 BOARD MEMBER PAPARIAN: Okay, so then we back it
13 out, so that the reports on diversion are from the
14 localities or both?

15 DEPUTY DIRECTOR SCHIAVO: If it's a potential
16 misuse, then we would back it out. If it's a misreporting
17 function in its beneficial use, for instance, instead of
18 ADC, then it wouldn't impact the disposal reporting.

19 BOARD MEMBER PAPARIAN: If it does impact the
20 disposal reporting number, then it's waste that should
21 have been disposed. Do we also then go to the BOE and
22 collect the fee on that?

23 DEPUTY DIRECTOR SCHIAVO: I would imagine, yeah,
24 then we would on these facilities, right. The inert
25 facilities it would be -- we wouldn't do that.

1 BOARD MEMBER PAPARIAN: Okay, thanks.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. Questions
3 from the public on any of the Diversion Section of our
4 agenda, Items 11 through 23?

5 MR. EDGAR: Madam Chairman and Board Members,
6 Sean Edgar on behalf of California Refuse Removal Council.
7 Quick comments on Item number 13 to Mr. Paparian's
8 comments concerning the NDFE process and environmental
9 justice.

10 I want to provide a little bit of perspective of
11 whether -- I'll just ask the question and then I'd be more
12 than happy to work with staff as they respond to your
13 question, Mr. Paparian, with regard to whether this is a
14 good forum to try to flesh out this issue or not. The
15 body which is responsible to -- first of all, the NDFE is
16 a planning document. Any facility that diverts more than
17 five percent of the incoming waste is required to be named
18 in the NonDisposal Facility Element. That's part of your
19 AB 939 planning documents.

20 The local task force which is responsible for
21 this task is traditionally the recycling coordinator,
22 county public works type of person as a staff
23 administration. And then you've got folks from the solid
24 waste industry, from a variety of different interests in
25 the solid waste industry. You have haulers, landfill

1 operators and whatnot are involved in this body.

2 There are no real technical qualifications or
3 specialized knowledge that is required to serve on this
4 local task force. So what the local task force does is
5 evaluate the facility's compliance only from the
6 perspective of AB 939 planning documents to say is this a
7 legitimate facility what will divert waste and is this in
8 accordance with what we told the Waste Board and everybody
9 we're going to do?

10 So it's a pretty narrow scope of what the local
11 task force does. They're a pretty nontechnical body as it
12 is. Further more, once the local task force gets done
13 with their task, the amended document, which is required
14 to be -- the Waste Board staff and the Waste Board is
15 required to have conformance, a conformance document from
16 the local jurisdiction, that local document is adopted at
17 a publicly noticed meeting per the process.

18 And so our concerns are, and I'd be more than
19 happy to participate, because I've gone through this
20 process many times with DPLA staff, Mr. Schiavo's people,
21 Catherine Cardoza and whatnot and they do a great job with
22 the pretty difficult process that we have now. My only
23 comments are as we look forward and try to incorporate
24 another element into what is already a difficult process
25 and have an expectation that nontechnical and nonland use

1 specialists are going to be involved evaluating what is
2 already an emerging issue, I don't know that that's going
3 to be the right form and yield our correct results.

4 So I'd be more than happy to offer my comments
5 and thank you for listening this morning.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you. Any
7 others?

8 We'll go on to permits, LEA and Facility
9 Compliance with Julie, and we've done 24.

10 DEPUTY DIRECTOR NAUMAN: Jump to Number 25, This
11 is the Occidental Transfer Station in Sonoma County
12 revising their permit. We're in the process of revising
13 this agenda item to update the staff's review of the
14 environmental document and also to provide you with the
15 latest version of the permit that we've received where
16 there was some changes in the number of vehicles.

17 With those changes, which we will have to you
18 prior to the Board meeting and available for the public
19 posted on the web page, we will be able to recommend your
20 concurrence in this permit.

21 Questions?

22 CHAIRPERSON MOULTON-PATTERSON: Any questions on
23 25?

24 DEPUTY DIRECTOR NAUMAN: Item 26 is the Hot Spa
25 Solid Waste Site in Imperial County. You'll note in the

1 item that at the time it was prepared, we had not yet
2 conducted the permit inspection. That inspection has been
3 completed and the facility is in compliance with State
4 minimum standards. So there are no outstanding issues on
5 this particular item and we will be recommending
6 concurrence.

7 Item 27 is a revised permit for the Yuba Sutter
8 Disposal Inc. Integrated Waste Recovery Facility located
9 in Yuba county. This item, also at the time of this
10 preparation, had some outstanding questions with respect
11 to the environmental documents. Staff has completed their
12 review and has determined that the CEQA document is
13 adequate, so we'll be also making some additions here for
14 you.

15 With the completion of that review, staff is able
16 to make all the findings and recommend concurrence to you.

17 The next Item, 28, is a revised permit for the El
18 Sobrante Landfill located in Riverside County. We've
19 issued a number of changes that are outlined in the key
20 issues section on page 28-4. All the findings can be made
21 and staff will be recommending concurrence.

22 Yes, Mark reminds me that I had intended to
23 highlight for you a change in the format that actually has
24 been requested at the last board meeting, and specifically
25 that was to include in the summary of the item a section

1 on compliance history.

2 We conferred with Member Medina on his interest
3 in seeing this kind of information. There are a number of
4 ways that we could display this at various levels of
5 detail that we could provide. We've taken a stab at this,
6 if you will, to see how it works for you this time around.

7 You'll notice that we've gone back to 1997 in
8 each of the permits on this agenda and indicated the
9 number of State Minimum Standard violations that have
10 occurred on that facility during that particular year --
11 excuse me, as well as terms and conditions, and indicated
12 where there were no violations if that was the case.

13 We have backup data with us should you have any
14 questions during the meeting about the details of any of
15 those violations. We thought we'd try this approach and
16 see if it meets your needs, and if not, we can adjust it.

17 CHAIRPERSON MOULTON-PATTERSON: Okay, Jose.

18 BOARD MEMBER MEDINA: Just thank you for doing
19 that.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 DEPUTY DIRECTOR NAUMAN: Item 29 was pulled and
22 that takes us to Item 30. This item addresses financial
23 assurance demonstrations and continues your consideration
24 and discussion of the proposed regulatory changes that
25 affect the captive insurance exclusion, as well as some

1 other details on certificates of insurance.

2 At the last meeting, you had directed us to
3 continue to talk to stakeholders and do some proven
4 research into how captive insurance is regulated in the
5 State of Vermont. We had indicated in the item the
6 efforts that staff has made to engage in a dialogue with
7 the regulators in the State of Vermont. We have attached
8 a number of pieces of correspondence between ourselves,
9 the State of Vermont and also US EPA all relative to this
10 issue.

11 Unless you wanted to get into any details today,
12 I won't go through the content of all of those. We have
13 suggested a number of options to you, which include
14 adopting the regulations as you have seen them before.
15 Our recommendation is that you allow us some additional
16 time to continue to talk with the stakeholders and others
17 about issues that still do not have consensus.

18 CHAIRPERSON MOULTON-PATTERSON: Any questions or
19 comments today on this?

20 BOARD MEMBER JONES: Just one question, Madam
21 Chair.

22 The US EPA is working with this issue right now.
23 And, well, they're in the process of public debate on a
24 national level. Do we have some kind of -- are we
25 included in that and do we have some sense of where it is

1 in their process on the national level?

2 DEPUTY DIRECTOR NAUMAN: Let me call Richard
3 Castle. Richard has talked directly with the -- contact
4 with the US EPA and is handling this issue. So let me
5 have him relay his conversations.

6 MR. CASTLE: Richard Castle from the Financial
7 Assurances Section for the Waste Board.

8 When we spoke with US EPA, we just spoke with
9 them this week. We didn't talk to them prior to this to
10 initiate their talking to Vermont. I just want to make
11 that clear, because there has been other discussions that
12 we may have worked with them to come at this from two
13 different angles.

14 They will be working up a draft response -- what
15 they told us, is that they'll be working up a draft. I
16 guess they call it a guidance. And then they will float
17 that throughout all the states that are affected,
18 obviously, in this case it's the country, for comment.

19 Where that goes, they were very unclear because
20 they are not sure of the direction of the US EPA at this
21 point, whether they're going to change the requirements or
22 just issue a final guidance document on this issue. So
23 it's up in the air exactly where they're going to go, but
24 they did ask the core questions that we asked at the same
25 time about the same issues.

1 BOARD MEMBER JONES: So they're having the
2 discussion and they'll probably put something together and
3 turn it over to SWAMO, I assume, which is their normal
4 process?

5 MR. CASTLE: Yes, they didn't make specific
6 definition of where they were going to turn it over to.
7 They did identify that they were going to come up with a
8 draft -- possibly come up with a draft guidance.

9 BOARD MEMBER JONES: And then float it out?

10 MR. CASTLE: Yes.

11 BOARD MEMBER JONES: And then usually I think
12 that link between SWAMO and US EPA is their sounding board
13 because the membership is the State's and territories,
14 regions at least.

15 So maybe it would be helpful just to -- I mean,
16 if that, in fact, is their procedure, and how they're
17 going to do it on the national level, that's, I think,
18 helpful information to have.

19 CHAIRPERSON MOULTON-PATTERSON: Thanks for
20 clearing that up.

21 Thank you, Richard.

22 MR. CASTLE: Okay.

23 CHAIRPERSON MOULTON-PATTERSON: Anything else on
24 that one?

25 Okay, 31.

1 DEPUTY DIRECTOR NAUMAN: The last item in this
2 section is an update on the status of the Regulation
3 Development Process for the construction, demolition,
4 debris and inert waste transfer processing and disposal
5 facilities and operations, which we refer to as the C&D
6 Regs.

7 We're bringing this item forward to you -- we've
8 been planning to do this for some time. And it ties in
9 with a couple of other items on the agenda that we talked
10 about earlier and some comments that the Board made at the
11 last meeting about the status of this regulatory package
12 and its relationship to fees collected from inert
13 facilities.

14 What we attempted to do in this item is refresh
15 your memory on the idea that we had and discussed with you
16 previously about splitting this regulatory development
17 into two phases. One, the first phase would be to deal
18 with these issues as they relate to transfer processing,
19 and the second phase related to disposal.

20 The reason for the difference in timing is a
21 substantial amount of work has already been completed on
22 the transfer processing portion of this issue, and
23 actually is less controversial than the disposal side of
24 it.

25 We're hoping that this piece can move through the

1 informal process relatively quickly. If you'll remember
2 that we're also conducting a mine reclamation survey with
3 the assistance of UC Davis. That is under way currently.
4 We're expecting the results of that late in the fall. And
5 that information will then be forwarded to Phase 2 of the
6 regulatory package development.

7 On page 31-2, we've included a proposed workplan
8 schedule, if you will. You'll note that it's fairly
9 aggressive. We understand the Board's interest in having
10 this package in place and that it ties into legislation
11 that has some important sunset dates that are being
12 extended relative to the collection of fees. And so staff
13 is interested in trying to expedite as much as possible
14 the development of this package. And we're looking for
15 your direction to pursue that course of action.

16 CHAIRPERSON MOULTON-PATTERSON: Any questions on
17 Item 31?

18 I don't see any.

19 And any public comments on Permits, LEA and
20 Facility Compliance Items 24 through 31?

21 Okay, I don't see any.

22 On Other, Item 32, carol is here. And I know
23 Michael will be giving at the Board meeting an update.
24 Was there anything that -- I know Michael had to go to a
25 meeting with Cal EPA. Is there anything that you wanted

1 to let us know today?

2 Okay, then we'll look forward to his report next
3 week.

4 Thirty-three?

5 I ask that consideration of election of a Vice
6 Chair be put on this. And that concludes our agenda for
7 our briefing, the public briefing part of our agenda.

8 And we're going to go on into discussion items.
9 Did the Board wish to just continue on and see where we go
10 and --

11 I'm sorry, let's take a ten-minute break, and
12 we'll continue. Then we'll take a lunch break at about
13 five to 12:00 and come back. I assume we'll be coming
14 back. We might finish all of these, I don't know. We'll
15 see how it goes.

16 (Thereupon a brief recess was taken.)

17 CHAIRPERSON MOULTON-PATTERSON: I'll call our
18 meeting back to order. We've reviewed the monthly agenda,
19 and now we're going to go on to Discussion and
20 Presentation of Alternative Final Cover Assessment
21 Program.

22 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair,
23 Board Members, Julie Nauman. This is a discussion and
24 presentation of the Alternative Final Cover Assessment
25 Program not to be confused with Alternative Daily Cover.

1 And we have a guest speaker with us today, Mr. William
2 Albright.

3 But before he makes his presentation, I'd like to
4 ask Melissa Gunter of our staff to give you kind of an
5 overview of this project and then introduce our guest.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 MS. GUNTER: Good morning, Madam Chair and Board
8 Members. My name is Melissa Gunter. I'm with the
9 Closure, Remediation and Technology Service Branch. And
10 today we're going to talk a little bit about the
11 Alternative Cover Assessment Program. We like to call it
12 ACAP. It's a lot easier to say.

13 And it's a national program funded mainly by US
14 EPA. It was created to develop field scale performance
15 data for various landfill final cover systems. And this
16 study is unique because the experiments are large scale
17 and field scale experiments and not laboratory
18 experiments.

19 The Board in March of 1999 approved a contract
20 for \$15,000 with Desert Research Institute, which is an
21 environmental nonprofit research organization, which is
22 part of the University of Nevada system, and also one of
23 US EPA's contractors for ACAP.

24 And this contract DRI benefited the Board in two
25 ways. One, it enabled board staff to be directly involved

1 with ACAP. And therefore in partnership with the Water
2 Board, board staff were able to participate in selecting
3 research sites for this ACAP program. And also it
4 developed -- or excuse me, it provided Board staff with
5 professional expertise with which to develop guidance for
6 the LEA's, the regional water boards and industry on this
7 topic.

8 There are currently 12 sites throughout the
9 nation, 12 ACAP sites, three of which are in California.
10 The sites are located at Kiefer Landfill in Sacramento,
11 Altamont Landfill in Livermore and Monterey Regional
12 Landfill in Marina. And soon we will be constructing a
13 fourth test site at Apple Valley Landfill which is in San
14 Bernardino County. I think construction is going to start
15 on that in August.

16 The Alternative Final Covers are a new and
17 innovative technology that is not only cost effective, but
18 it's also in certain climates, environmentally superior to
19 the current landfill covers prescribed by Title 27.
20 Currently, there are 45 landfills in California that are
21 using this new technology.

22 Waste Board and Water Board staff in conjunction
23 with our speaker today, Bill Albright, have developed a
24 one-day workshop for the LEAs, regional boards and also
25 industry to instruct them and educate them on scientific

1 theory and engineering practices behind alternative covers
2 and also to keep them up to date on this ACAP program.

3 These workshops were completed in May. We had
4 five different workshops throughout California in
5 different cities. We got very good feedback from these
6 workshops. And the LEAs requested further information and
7 further updates when we get them.

8 Our speaker today, Mr. William Albright, works
9 for Desert Research Institute and he's going to give a
10 brief presentation discussing the concept of alternative
11 covers, the ACAP program itself, and also discuss a little
12 bit about what we talked about in the training workshops
13 for the LEA's.

14 Mr. Albright is a research hydrologist at Desert
15 Research Institute. And he has a Master's degree in
16 hydrology from the University of Nevada, Reno. And he
17 also received a Bachelor's from UC Davis in Environmental
18 Toxicology. He's been extensively involved in ACAP
19 research.

20 And unless there are any questions from me right
21 now, I'm just going to turn it over to him.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very
23 much.

24 Welcome, Mr. Albright.

25 (Thereupon an overhead presentation was

1 presented as follows.)

2 MR. ALBRIGHT: Thank you, Melissa. I'm Bill
3 Albright. And as she mentioned, I work with the Desert
4 Research Institute, which is the research branch of the
5 University of Nevada. With our reliance on grants and it
6 continues, and our lack of tenure, we are, what I call, a
7 separate and unequal branch of the university.

8 And many of our faculty do teach, but many of us
9 just do research. Not long ago the business of designing
10 and permitting a final cover for the landfill was
11 relatively simple. The EPA had put forth guidelines and
12 prescriptive cover designs that essentially gave material
13 parameters. And we use clays and we use geomembranes to
14 stop the flow of water through the cover.

15 And those made sense because we intuitively know
16 that clay and membranes resist the flow of water.
17 However, a couple of factors have come to change our minds
18 about those prescriptive covers and also make the
19 alternatives more attractive.

20 --o0o--

21 MR. ALBRIGHT: One is we started to get field
22 data to indicate that those prescriptive covers don't work
23 very well in some. Clays dry out and they crack, they
24 freeze and crack. In wet climates they get root holes in
25 them and water goes through them. And the essential

1 problem is when you design a cover around a material
2 parameter, those parameters are usually measured in the
3 laboratory, and a sample about this big at one point in
4 time. And we had the challenge, our engineers had the
5 challenge of extrapolating that parameter to 50 or 500
6 acres and having it last through 30 years or so, and
7 that's a very daunting task.

8 The other thing that's come into play in favor of
9 alternative covers is that a couple of federal agencies,
10 particularly the US Department of Energy -- and the US DOE
11 owns all the really bad sites, Hanford is a test site, Los
12 Alamos, et cetera.

13 Then that's where I've got most of my training.
14 I've worked for years for DOE on the Nevada test site with
15 regard to radioactive waste disposal. We start to design
16 covers that were integrated with the environment of the
17 site where we had to take into account soil parameters,
18 the plant parameters and the climate, and design a cover
19 system that was not a rain coat approach, but one that
20 would actually store water near the surface and return it
21 back to the atmosphere in a system that would not only
22 work well to start but may work well for a lengthy period
23 of time and may even in some cases armor itself and become
24 better with time.

25 So we have, of course, three ACAP sites in the

1 State of California. And I became involved with some of
2 the California employees a few years ago. Near the start
3 of this program I talked extensively with Pete Fuller on
4 the Wadsworth side, Glenn Young who's Melissa's boss, and
5 it's been a rewarding experience.

6 We've done two things. We've summarized the ACAP
7 sites in California for the Waste Board and also we put on
8 a series of workshops here.

9 --o0o--

10 MR. ALBRIGHT: I want to go through some of these
11 -- actually, I'll go through all of them very quickly.
12 Some of the stuff is relatively boring if you're not
13 intimately involved with final covers. But we have covers
14 to physically confine ways to minimize the infiltration
15 and deep percolation of precipitation with the intent of
16 minimizing leaking and also gas production, also fire and
17 vector control and that sort of thing are important in
18 final covers.

19 --o0o--

20 MR. ALBRIGHT: Prescriptive covers tend to go
21 with this rain coat approach, which is based on a material
22 parameter, low permeability. We know now that there is
23 some significant problems in almost all environments with
24 that kind of approach. Whereas, alternative covers, one,
25 the idea of storing moisture near the surface so that the

1 surface process is of evaporation and transpiration can
2 return that moisture back to the atmosphere. It requires,
3 of course, a site-specific design process.

4 --o0o--

5 MR. ALBRIGHT: It's not a prescriptive design.
6 It's a descriptive process, and that's the whole idea
7 behind this kind of attempt.

8 --o0o--

9 MR. ALBRIGHT: This slide here just shows very
10 briefly the 4 RCRA prescriptive covers, and those numbers
11 in the middle ten to the minus whatever, those indicate
12 the hydraulic connectivity. So the point is they
13 prescribe certain types of soil. And if a site doesn't
14 have those locally, they must import them. And this can
15 be very expensive. It's one of the reasons alternative
16 covers can be much cheaper than prescriptive covers, in
17 addition to actually working better.

18 --o0o--

19 MR. ALBRIGHT: Alternative covers, on the other
20 hand, tend to use this integrated systems approach where
21 we take into account precipitation, we take into account
22 the plant characteristics, fix some air soil evaporation.
23 And what we want to try to minimize is -- I don't know if
24 I have a -- There it is. We want to try to minimize this
25 term right here, which in hydrogeology is called recharge,

1 which is waste that was in deep percolation. We want to
2 minimize the amount of water that gets in the cover.

3 --o0o--

4 MR. ALBRIGHT: ACAP realized that we need to look
5 at these environmental variables in soil, plants and
6 climates, which introduced uncertainty into our
7 predictions. And that's why we had the whole idea of
8 ACAP. Our ability to predict the amount of water that
9 gets through a cover is pretty good if you're designing a
10 well field, and your acceptable errors are on the order of
11 centimeters or inches of water. But when your acceptable
12 errors are on the order of eight millimeters, our ability
13 to model those processes is not that good yet.

14 And so what we want to do is establish a
15 nationwide network of field scale testing facilities and
16 actual test some covers. What I call bruit force
17 hydrology, we built them in lined swimming pools. What we
18 want to do is physically capture and not have to estimate
19 the amount of water that goes down, but physically capture
20 and measure it.

21 So that's what we did.

22 --o0o--

23 MR. ALBRIGHT: I'm going to go through these
24 slides very quickly. This is a little bit of a short
25 presentation on the Alternative Cover Assessment Program,

1 which is largely headed up by Steve Rock at EPA, out of
2 Cincinnati who's funding it. And Craig Benson from
3 Wisconsin and I are the principal investigators on that.
4 By the way, Melissa got her engineering education at
5 Wisconsin and Craig was a professor of hers, so she's
6 particularly well trained in this field.

7 --o0o--

8 MR. ALBRIGHT: These are our sites. And I
9 initially intended them to be on the southwest, but, you
10 know, when your funding agency tells you you're getting
11 bigger, what can you do? So we went as far west as the
12 coast of California right in Monterey to as far east as a
13 Marine base in southern Georgia. And we have one, you can
14 see it at Apple Valley, this is a site. We haven't
15 started construction on this one yet, but I expect it to
16 be completed late this summer.

17 What we wanted to do with ACAP was, in a
18 regulatory sense, answer this question of RCRA
19 equivalency. RCRA requires an alternative be equivalent
20 in performance to a prescriptive cover. They'll want to
21 get some basic performance data. We want to narrow our
22 range of uncertainties and our predictions of recharge or
23 the performance of these things. We also want to be sure
24 that we can build a cover for far less than you can build
25 a prescriptive cover.

1 And indeed alternative final covers -- I'm not an
2 engineering economist, but they range in price generally
3 from \$15,000 to \$25,000 an acre. A RCRA composite cover
4 can run \$75,000. A RCRA C or hazardous waste site can run
5 upwards of \$150,000 to \$200,000 an acre to actually final
6 closure. So what we did, of course, was this field, the
7 network of field testing facilities, which we use the
8 word -- we use the facilities called lycemeters, I'll show
9 you a few slides here. I'll go through these real quick.

10 --o0o--

11 MR. ALBRIGHT: Our test beds are big. They're 10
12 by 20 meters. Here Craig Benson is making sure that
13 water, even in California at Kiefer, flows downhill, but
14 we essentially built -- we built these in swimming pools
15 and bathtubs. The bottom and sides are lined, they have a
16 sump. Any water that gets away from the surface process
17 and reaches this membrane that we're rolling out here --
18 we've got a highly skilled professional staff, most would
19 say, that helped us weld our membrane.

20 (Laughter.)

21 --o0o--

22 MR. ALBRIGHT: This is the sump. This is where
23 you pull the plug out of your bathtub. Any water --
24 remember this bathtub is full of soil, a full scale
25 in-depth model of the landfill cover. Any water that

1 actually gets away from the surface is going to run down
2 that sump and we're going to measure it. This is a site
3 where we're ready to start placing soil. We put a little
4 barrier on it to keep roots from going down into that
5 membrane and sucking up the moisture that is trapped
6 there.

7 As you can see, we brought up the sides with
8 plywood and we didn't hand-build these things. We built
9 them -- that's actually a small dozer, that's a D-4, but
10 generally we built with D-4s and D-8s, we didn't hand
11 build these things. We built this with real equipment.

12 --o0o--

13 MR. ALBRIGHT: That's the side at Altamont at
14 first. You can see the sidewalls coming up. There's some
15 dirt starting to be placed.

16 --o0o--

17 MR. ALBRIGHT: We sampled extensively these
18 things. That's Craig Benson taking one of his specialty
19 samples. Those are the kind of samples we took out of
20 each lift of soil. We put instruments in each lift of
21 soil, so we can see what that water is doing. We're able
22 to improve our computer modeling abilities.

23 We have, what I call, a wireless site, which
24 means that we have a solar panel that powers it, and we
25 have a cell phone at most sites. And my computer at DRI

1 downloads that data every day. And, in fact, we have an
2 interactive web site. If I could tie up to it here, I
3 could show you what happened at these sites yesterday.

4 And I could also specify the parameters and time
5 frames. It's a very handy situation.

6 --o0o--

7 MR. ALBRIGHT: This is our site at Kiefer. We
8 built two alternatives out there. You can see them there,
9 the day that we completed construction, then we called out
10 the revegetation crew, and the next day it looked like
11 that.

12 Next spring, it looked like that.

13 (Laughter.)

14 --o0o--

15 MR. ALBRIGHT: And they had excellent -- that's a
16 closeup. They have an excellent revegetation effort out
17 there. As you can see, you don't get a whole lot of
18 moisture out of the soil, with bare soil evaporation.
19 These plants need to root throughout that soil and pull
20 that water out. And what we are doing essentially is
21 building a sponge, a soil sponge, to hold the water near
22 the soil. It has to be the right kind of soil, but the
23 plants are what really drive this system.

24 --o0o--

25 MR. ALBRIGHT: This is a profile of the two

1 covers that we built at Kiefer. These are the two that we
2 built at Altamont. I won't go into the details of these.
3 And these are the two that we built at Marina.

4 --o0o--

5 MR. ALBRIGHT: By the way, the one at Marina, the
6 prescriptive cover we're doing a side-by-side alternative
7 with prescriptive. Prescriptive cover has a geomembrane
8 in it. You know, that stuff doesn't leak water, unless
9 you roll it out on a big test pad, and then put soil on it
10 and run over it with a D-8 and it puts a few holes in it,
11 and that cover is leaking. It's very interesting. We're
12 getting the first good field scale data on these things.

13 --o0o--

14 MR. ALBRIGHT: I'll summarize the ACAP sites, the
15 California ACAP sites for the Waste Board. And then I
16 didn't use all my budget, and instead of just sucking it
17 up and saying it was gone, I asked Melissa if there was
18 anything else that we can do. And she suggested this
19 little series of workshops. And so we did five of them,
20 and those are the five right there.

21 --o0o--

22 MR. ALBRIGHT: And what we did was we talked
23 about -- AEFC is our acronym for Alternative Earthen Final
24 Cover. We wanted to emphasize this idea of getting away
25 from a prescriptive one-size fits all design that you can

1 use in Anchorage or Miami or anywhere in between and going
2 towards a site-descriptive process, which is obviously
3 necessary if you're going to make an integrated, kind of
4 an ecological approach to a landfill cover.

5 But what I kept hearing was that we're going to
6 go to this descriptive process. We needed to make a
7 process prescriptive. In other words, almost a checklist.
8 In other words, what kind of data does he regularly look
9 for in a permit application? What are the soils of data
10 supposed to look like? What are the climate data supposed
11 to look like? What kind of modeling are they supposed to
12 do?

13 And I had first said that's trivial. You just do
14 what I spent ten years of my career learning how to do
15 work for the DOE, which is a facetious answer, of course.
16 But that's indeed what I had done. And after I thought
17 about it, I realized it wasn't trivial and so we went
18 about defining this process.

19 --o0o--

20 MR. ALBRIGHT: We talked about this engineering
21 philosophy with prescriptive versus descriptive. We tried
22 to define that design process as well as we could,
23 numerical simulations are our term for computer modeling.
24 We talked about that. We talked about the errors that are
25 associated with all these kinds of estimates, and that's

1 one important thing in a public policy, I think. We're
2 not deterministic about this. There are ranges of errors
3 on these.

4 It also goes together with what my personal
5 philosophy toward public policy is and that it should be
6 iterative. We need to design the permit landfill covers
7 right now, but every once in awhile, we should go back and
8 reevaluate what it is we have learned and redo those
9 regulations. And we're in the process now. The ACAP
10 program will produce the data that will go back and, I
11 think, more intelligently address these questions on final
12 covers.

13 I'm going to click through these slides very
14 quickly, and not go into the detail.

15 --oOo--

16 MR. ALBRIGHT: But an engineering philosophy --
17 and these are some of the slides we actually used in the
18 workshop, and so don't be bulled over by some of the
19 graphs and numbers I've got in here. I'm just showing
20 these as examples of the kind of things that we covered.

21 We talked about this engineering philosophy of
22 going from a prescriptive cover to a descriptive process
23 and in some detail. We had a lot of discussion about
24 that. I should have fixed these so that they didn't come
25 in like this.

1 We talked about defining the design process. And
2 this is what -- this is what a regulator would look at in
3 a permit application to see if the design process was
4 followed appropriately and these are major steps in that
5 process.

6 --o0o--

7 MR. ALBRIGHT: We talked conceptually about some
8 soil physics and basic hydrology, and we talked about soil
9 processes.

10 --o0o--

11 MR. ALBRIGHT: We talked about the laboratory
12 kinds -- the laboratory equipment that these data come
13 from. And we talked about what kinds of laboratory
14 equipment should be seen in a permit application.

15 --o0o--

16 MR. ALBRIGHT: We talked about a little more
17 complicated soil physics. I'll click through that. I'm
18 sorry, I had those on an animated slide show and not all
19 in one piece. We talked about some soil physics, so that
20 the local regulators could understand where some of this
21 stuff came from.

22 MR. ALBRIGHT: And then finally, this is a
23 complicated --

24 --o0o--

25 MR. ALBRIGHT: This is like unsaturated zone

1 hydrology all in one sheet right here, as you can see. We
2 talked about the parameters, the computer modeling
3 parameters that these regulators would see in a permit
4 application and exactly where they come from, so that they
5 have some background about where this stuff comes from.

6 And I think most of them -- we lost one or two
7 people at each session on this kind of slide here, but I
8 think generally we didn't have any differential equations.
9 We stayed away from those.

10 But the whole idea of this was to say here are
11 the parameters and here's where they're derived from, so
12 don't be overwhelmed by the mystery on this.

13 --o0o--

14 MR. ALBRIGHT: We talked about climate data
15 section. You use average climate. You use wettest year
16 on record and that kind of thing.

17 --o0o--

18 MR. ALBRIGHT: We talked about the basic process
19 of designing the cover. As you can see the bottom line on
20 this slide is meters of soil. How do you arrive -- given
21 that you define your soil, how deep does this cover have
22 to be?

23 And this is the basic design process. We talked
24 about computer modeling, which kind of models to use to
25 look critically at input parameters and input data sets.

1 --o0o--

2 MR. ALBRIGHT: And then, computer modeling if
3 people haven't done it, can be kind of a tedious process.
4 And you know in computer modeling a computer model has a
5 variety a very complicated steps. But using some of these
6 modern models is a snap. And I just put up some slides
7 for these local regulators to show how these data are
8 entered. The days of punch charts are over. This is how
9 we do it these days. And these are just some pictures off
10 the model that I use.

11 --o0o--

12 MR. ALBRIGHT: I talked about other monitoring
13 methods and you can see my bias. When you see underline,
14 red and italics, I've obviously got a strong opinion about
15 it, and I've got some very strong opinions about
16 monitoring methods other than using lycemeters. And we
17 talked about the kinds of errors that could be associated
18 with some of these other monitoring methods and that's the
19 purpose of this slide right here.

20 So we talked about the range of estimates of a
21 performance of a cover that could be had from those kinds
22 of field measurements.

23 --o0o--

24 MR. ALBRIGHT: In summary, we have three ACAP
25 sites within the State of California soon to be four. The

1 fourth one will be funded by the County of San Bernardino
2 out at Apple Valley. And we intend to build actually an
3 interesting collection of lycemeters out there, a modern
4 composite cover, what I call an old style RCRA cover,
5 which has compacted clay. We expect that one to perform
6 very poorly. Have built an alternative cover out there
7 out of quite marginal soil, which will really represent an
8 end-member in the ACAP program.

9 And we're also going to build a very deep, deep
10 lycemeter that will have 10 or 15 feet of waste in it, and
11 will maintain standing water at the bottom of that,
12 because some of the folks in southern California think
13 that the evaporative demand down there is so high that
14 you're going to get -- even if you let a lot of
15 precipitation in, you're going to get more out by
16 evaporation during that long, hot, dry summer, so we're
17 actually going to do a field test on that and get some
18 good numbers on that.

19 --o0o--

20 MR. ALBRIGHT: When I started ACAP, several
21 people said it was too late, we needed it last year, three
22 years ago whenever. The answer to when we're going to
23 have data is it's a five-year program. We have two years
24 of data from Kiefer already. We have a year of data from
25 Marina and nearly a year of data from Altamont. And it

1 sort of depends on what kind of winters we get.

2 If we have a heavy winter that really tests these
3 sites and we get good, mature vegetation, remember
4 vegetation is crucial to removing water from these covers.
5 We will have excellent data after the first good winter.
6 So we also had this -- of course, these series of
7 workshops, which we introduced a California local
8 regulator to the concepts and the practical aspects of
9 this alternative final cover design.

10 That's all the slides I have and I'd be happy to
11 answer questions or elaborate on any of those equations.

12 CHAIRPERSON MOULTON-PATTERSON: You said it's a
13 five-year program. When's the final date, 2003? When did
14 you start?

15 MR. ALBRIGHT: We built Kiefer -- actually, we
16 were building Kiefer, our first site, two years ago right
17 now. And Steve Rock has been telling me for the last
18 couple of weeks that I will get three years of funding any
19 day now to actually continue collecting the data and do
20 the data analysis. And I expect a couple of years after
21 that.

22 I think our start date was when we completed the
23 final test batch, which was last November. So we should
24 monitor those for at least three years maybe five years
25 after that.

1 CHAIRPERSON MOULTON-PATTERSON: Okay.

2 MR. ALBRIGHT: What we're going to do, you know,
3 we're not going to cover every physical environment in the
4 country or even in the State, but what we're going to do
5 is produce some benchmark data sets that have very little
6 error associated with them that will let regulators
7 evaluate how a cover really works in a particular
8 environment. And they should be able to extrapolate much
9 more easily to other sites than we can right now. Right
10 now there's a great deal of uncertainty about how these
11 things work, both prescriptive and alternative.

12 I'll emphasize that we don't know how the
13 prescriptive covers work. We have no field data on how
14 prescriptive covers work. And if you look -- you assume
15 that we do, because if you look back at the EPA's health
16 model, for example, and in the bibliography you'll see the
17 references to field studies. If you're asking to look at
18 those papers, they are very marginal. So we're reflecting
19 the first real field scale data on both prescriptive and
20 alternative covers.

21 I had one more thing while it's on my mind and
22 it's an aside to this, there's a lot of interest in
23 bioreactor design these days. And a lot of people think
24 that maybe it's not a good idea to have zero flux or
25 cover. In other words, the cover that let's no water

1 through at all. But the data that we're collecting with
2 ACAP can be used to design a low infiltration cover. They
3 could also be used to design control infiltration covers,
4 and also one that would limit gas, you know, the escape of
5 landfill gas, so we're real excited about the program.

6 CHAIRPERSON MOULTON-PATTERSON: That sounds like
7 a great program. We appreciate your report.

8 Questions?

9 Mike.

10 BOARD MEMBER PAPARIAN: A couple of quick
11 questions. From a couple of your slides, it looks like
12 you had depended on vegetation over time to absorb a lot
13 of the water.

14 MR. ALBRIGHT: Absolutely.

15 BOARD MEMBER PAPARIAN: Have you looked at what
16 that means in terms of maintenance over time and are you
17 going to have trees dying over time where they need to
18 revegetate probably?

19 MR. ALBRIGHT: We have not looked at that
20 specifically with an ACAP, and certainly that will be the
21 case. In fact, at one point on the -- one of the
22 alternative covers at Kiefer they were proposing to plant
23 a fiber crop basically and actually harvest it out there.
24 I'm not sure what the current plans are for that, but any
25 landfill cover, of course, requires maintenance. The

1 standard engineering approach to maintenance against
2 erosion is to rock armor a surface, you know, with grout
3 or rock.

4 In soil physics and hydrologic terms, that
5 provides a one-way valve and surface where the water goes
6 in and none of it comes out. And so with an adequate
7 plant cover, and, of course, addressing the issue of the
8 sides of slopes, I think that those covers will be
9 designed to be fairly resistant to erosion. And in the
10 best of cases, they will tend to become better as the soil
11 develops.

12 BOARD MEMBER PAPARIAN: And then we've had some
13 indication of the rainfall in California in the last
14 century may be less variable than it was in prior
15 centuries. There might have been more extremes in prior
16 centuries according to some of the information I've read.

17 Have you taken into account, basically we may get
18 some extreme events at some point. You may get a lot more
19 rainfall that you're --

20 MR. ALBRIGHT: That's an engineering design
21 question. That's the real crux of that question and I'm
22 very interested in it, is what's your engineering factor
23 of safety? And we tried to address that in the ACAP
24 program a couple different ways. First of all, we came to
25 a reasonable -- what we thought was a reasonable design,

1 and we generally increased the thickness of those storage
2 layers by about a quarter.

3 Second, we asked the EPA upfront the question of
4 who designed these covers. We asked them if we could
5 actually design the covers. And they said no, you can't
6 both design and evaluate something within the same
7 program. And we said well, okay where do we draw the
8 line? And the EPA said well, you can't stamp the plans.
9 We did a great deal of design on most of these covers.
10 And when I did the computation modeling on all of the
11 California's sites, I used the wettest year on record, and
12 I ran that computer circulation ten years in a row.

13 So that doesn't address your question directly,
14 because we don't have 500 years of data except if --
15 unless we extrapolate from like tree ring data.

16 You know, that's one way of getting at a
17 precipitation variable in the past. We did the best job
18 we could, I think. I can't give a more extreme test
19 really, you know, that we could actually get real data
20 from.

21 BOARD MEMBER PAPARIAN: Thanks.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.
23 Steve.

24 BOARD MEMBER JONES: Thanks, Madam Chair.

25 I'm very very pleased with the stuff we're

1 seeing. I think that Darryl Petker that brought this
2 program or this idea to us after he talked to you needs
3 some credit on this. It got moved out of there shortly
4 after we made the allocation of the dollars.

5 But I guess I have two questions. Have you
6 looked at -- let me back up a little bit. We've had
7 people that have come to us and asked, in fact, was that a
8 closed landfill in San Diego County that wanted their
9 final cover to look something similar to part of the City
10 of Industry's Landfill or part of Puente Hills where there
11 were deep rooted trees, that were part of that vegetation
12 on those older landfills, when we were using dirt as our
13 cover, and it was in different thicknesses.

14 Is part of your modeling or part of your
15 evaluation of this going to look at final cover stability,
16 because if we've got deep rooting vegetation that's going
17 to be part of the process to the -- that's a critical part
18 of the process to keep the water out of the cell, then it
19 would -- if they're deep rooting, which you can achieve
20 now under EPA's closure standard, because you can't go
21 over a foot, are we going to look at how that deep rooting
22 vegetation actually will help stabilize that mass of
23 material that is not, you know, has been put in the ground
24 and is somewhat flexible? Are there plans to look at
25 that?

1 MR. ALBRIGHT: The direct answer to your question
2 is no, not within the ACAP program. We won't do that,
3 because we won't have the facilities to make that kind of
4 an engineering determination, but that is being addressed
5 on other engineering projects. And every landfill
6 operator is familiar with erosion on their sites and where
7 it happens and why.

8 To get back to your original statement about
9 using deep rooted species, which is, of course, very
10 contrary to traditional landfill cover design, and didn't
11 want roots going through these barrier layers, that's the
12 worst thing that could happen. In contrast with an
13 alternative cover that's desirable, the plants are solar
14 powered pumps. I offend my biology colleagues at DRI by
15 calling them straws that let the atmosphere suck water out
16 of the soil, but indeed they are. You cannot evaporate
17 enough water off of the bare surface. You absolutely must
18 have roots throughout the storage layer.

19 And to the extent that they root through the
20 cover and indeed even in the waste, is good for the
21 performance of an alternative cover. And I realize, and
22 it's heresy in some circles, but in alternative cover, the
23 idea is to get more water out of it, and that's the way to
24 do it.

25 BOARD MEMBER JONES: Is it a conduit to get some

1 of the toxics out as well?

2 MR. ALBRIGHT: You know, an issue of fire
3 mediation is kind of an infancy. I do follow that and I
4 think that that -- there are some places where fire
5 mediation of toxics might work very well because there are
6 relatively shallow layers. But when you have 400 feet of
7 waste, there's no way you're going to try to remediate
8 that.

9 BOARD MEMBER JONES: Well, I do just want to say
10 that I know that the Board has been interested in this and
11 I think we got a heck of a bargain to be able to put in
12 our dollars and get involved in this again.

13 MR. ALBRIGHT: I made a case to Steve Rock when
14 we started ACAP that we could run the entire program
15 within the State of California. You have such a variety
16 of physical environments that we can do that. He, of
17 course, laughed and said that on federal programs, you
18 have to have lots of dots on the map, and you have to
19 spread out. And we have several in California already,
20 but California is particularly well represented.

21 And like, in many cases, California is sort of
22 leading the way in a lot of cases. I mean, your staff, I
23 think, is well equipped and well educated on this subject.

24 BOARD MEMBER JONES: Thank you.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you very

1 much, Mr. Albright.

2 I think that those are the questions we had and
3 thank you, Melissa.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
5 It's very interesting.

6 We'll go on to number 3, Discussion of and
7 Request For Direction on Bureau of State Audits Report
8 Recommendations Regarding Landfill Capacity. These are
9 recommendations number one and two.

10 DEPUTY DIRECTOR NAUMAN: Madam Chair, these are a
11 couple of the last we brought before you recommendations
12 from the audit. Kind of through your schedule that you
13 established several months ago, this item and then the
14 next item have been carried over a couple of times. We
15 had intended to review these with you earlier in the year,
16 but be that as it may, we're here today to review this
17 first one on landfill capacity.

18 Bernie Vlach will be presenting the item. Just
19 by way of introduction, let me indicate that we did work
20 with other divisions and program staff on these items.
21 The capacity, I think, really kind of cuts across a number
22 of program areas. And you'll see in the item itself and
23 the presentation that we are involved throughout a number
24 of programs and use of collecting information on capacity.

25 So others of our staff are here that could be

1 called upon to assist if you have questions with regards
2 to those program areas.

3 Bernie Vlach.

4 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Good
5 morning, Madam Chair and members of the Board. My name is
6 Bernie Vlach. I'm permitting and enforcement division
7 staff.

8 The purpose of this item is to create an
9 opportunity for the Board to provide staff with direction
10 relative to the response to the State Auditor's
11 recommendations. I'd like to take just a minute to read
12 quotations from the State Auditor's recommendations.

13 There are really two different recommendations,
14 so I'll try to make those clear. The first one says that,
15 and I'm talking about the State Auditor's Report number
16 2000-109 the one that was recently completed last year.
17 The first quotation says that, "The Board does not have
18 the authority to object to a permit if it believes that
19 additional landfill capacity is unnecessary." That's one
20 issue.

21 And the second one is, "Even if it had the
22 authority, the Board does not possess sufficient data to
23 facilitate its decision-making process. The Board needs
24 to be able to track capacity on an annual basis in its
25 database and follow-up on inconsistencies. Currently, the

1 Board's database is incomplete and often contains
2 erroneous data.

3 "Additionally, there is no standard method of
4 reporting data, because some landfills report available
5 capacity in tons, while others use cubic yards. The
6 Board's hired a contractor to report on the remaining
7 capacity of California landfills among other things."
8 Those were direct quotes from the Auditor's report.

9 Now, the Board at previous iterations of the
10 Board, has done some -- has had interest in this issue for
11 a number of years dating back to 1985, a report entitled
12 California Landfill Crisis. There was an audit of
13 landfill capacity, and the conclusion at that time that
14 there was insufficient landfill capacity in the State.

15 There was another report done in 1992. And the
16 one that the State Auditor is referring to was done in
17 1995 under contract to Environmental Science Associates,
18 entitled Toward Ensuring Adequate Landfill Capacity.

19 And the staff has actually prepared an LEA
20 advisory in 1997 entitled Methodology For Determining
21 Remaining Landfill Capacity. So you can see that this has
22 been an issue the Board has had some interest in for many
23 years.

24 I'd like to go into the history of each of these
25 two issues a little bit. The first issue, of course, is

1 the use by the Board of remaining capacity information and
2 the permit decision making process. Now, as originally
3 chaptered, AB 939 authorized the Board to object to a
4 permit if the Board had determined that issuance of a
5 permit would prevent or substantially impair achieving of
6 diversion requirements.

7 However, in 1996 Assembly bill 2009, Cortese,
8 removed that authority. Any change, at this time, to
9 reverse the decision of the Legislature would shift the
10 authority of the expansion of landfills away from the
11 State -- I mean, away from local governments to the State.

12 Currently, local government has approval
13 authority to site new landfills and expand existing
14 landfills. The long-term plan for these types of
15 activities is found in the siting element of the
16 countywide Integrated Waste Management Plan.

17 The Board approves each of these plans and its
18 individual elements. And the primary goal of these siting
19 elements is to ensure a minimum of 15 years of landfill
20 capacity. The statute does not provide a limit on the
21 maximum capacity.

22 I would like to bring up some issues relevant
23 to -- or some points relevant to the second issue, which
24 is the Board authority to collect and use remaining
25 capacity information.

1 The Board has the authority to require the
2 periodic reporting of remaining capacity, but the Board
3 has exercised that authority only in a limited way in its
4 current regulations. As examples, the siting elements of
5 the Integrated Waste Management Plans include some
6 remaining capacity information.

7 Also, as you know, every solid waste facility
8 permit application and permit action that comes before you
9 includes remaining capacity information. Solid waste
10 landfill closure plans also include remaining capacity
11 estimates. The financial assurance program requires
12 annual reporting of solid waste landfills that have a
13 buildup type financial mechanism. And the staff relies on
14 environmental documents prepared pursuant to the
15 California Environmental Quality Act to obtain additional
16 and remaining capacity information. So, as you can see,
17 there are a number of sources of remaining capacity
18 information available to the staff currently.

19 As the Auditor correctly pointed out, any
20 discussion of landfill capacity issues is often hampered
21 by diverse interpretations of the term being used to
22 describe landfill capacity. Sometimes landfill capacity
23 could be with reference to current remaining capacity,
24 that is the capacity of the current line cell.

25 Other times, it might be with reference to the

1 entire permitted remaining capacity allowed by the solid
2 waste facility permit, which might include cells that have
3 not yet been developed.

4 Then there's such a term as Planned Remaining
5 Capacity, which is capacity that's been identified in the
6 Integrated Waste Management Plan or other documents, even
7 though not yet permitted. And then you have engineered
8 remaining capacity, which is that which is technically
9 feasible, based on sound engineering principles and State
10 minimum standards, although not yet planned or permitted.

11 So, as you can see, you have to be careful when
12 you talk about remaining capacity that everyone is using
13 the term in the same way.

14 --o0o--

15 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Now,
16 I'd like to point out some other issues and places where
17 remaining capacity information has been available and is
18 being used. For example, you all are aware of the Board
19 of Equalization's quarterly reports. They include -- this
20 information is included in our tipping fee database.

21 And the State Auditor actually used this
22 information to, kind of, back into the remaining capacity
23 in various landfills and in various regions of the State
24 by knowing how much waste was disposed at a landfill over
25 a certain period of time and making estimates of the

1 density of the waste they could then subtract and from
2 some existing remaining capacity information some data
3 that might have been older and make an estimate of the
4 current remaining capacity, and that was one of the
5 techniques used by the State Auditor.

6 The State Auditor also correctly pointed out that
7 units of landfill capacity are sometimes interchanged.
8 Operators and LEAs or local governments sometimes report
9 remaining capacity as weight, usually as tons, and other
10 times they'll report it in terms of volume. And these
11 units are inter-convertible provided that you have
12 accurate landfill compaction density information, waste
13 compaction density information.

14 Now, there's often times the discussion of these
15 issues and the accuracy of remaining capacity numbers is
16 hampered by accuracy issues. There are different ways of
17 achieving measuring remaining capacity. There's a
18 photomicrographic method which tends to be the most
19 accurate. You can have surveys being done on site, not
20 right on the surface.

21 Sometimes the operators will just use estimates
22 of vehicles passing through the gate and then try to
23 themselves back that information out at some previously
24 existing accurate information.

25 There was a 1995 remaining capacity survey of

1 landfills, only 51 percent of those requested responded to
2 the survey. But those that did respond represented 86
3 percent of the State's remaining capacity or so it was
4 thought.

5 Of those 86 percent that responded -- I'm sorry,
6 of those 51 percent that responded that represent 86
7 percent of the State's remaining capacity were using
8 techniques for estimating capacity, which had an accuracy
9 of plus or minus ten percent or better, which is about --
10 which is plus or minus ten percent is probably a number
11 that we would want to rely on as a limit of accuracy.

12 This suggests that while we have a pretty good
13 handle on the remaining capacity of 86 percent of the
14 landfill capacity in the State that there are probably a
15 number of small or medium type landfills which are using
16 some other method, which is less accurate or perhaps not
17 even estimating landfill capacity at all.

18 So I'd like now to just go over some of the key
19 issues again for purposes of discussion. The Board has no
20 expressed authority to object to a proposed permit for
21 landfill expansion even if it determines that additional
22 landfill capacity is unnecessary. The previous Board
23 authority to determine whether additional landfill
24 capacity would impede or impair diversion was removed in
25 1996 by Cortese legislation. The Board has no authority

1 to require the periodic submittal of updated landfill
2 capacity information. I'm sorry, the Board has that
3 authority, but has not exercised that authority.

4 Landfill capacity information is collected by
5 board staff pursuant to many different business practices,
6 but they are not consistent and they rely on different
7 definitions of capacity.

8 There are no State standards for reporting
9 landfill capacity data, neither for capacity units, nor
10 accuracy. And requiring accurate remaining capacity
11 information on a regular basis would impose an additional
12 financial burden primarily on rural counties.

13 Now, as I mentioned earlier, this is an
14 opportunity for the Board to give staff some direction on
15 what options the Board would like to see. I'll just go
16 over some of the options that the Board may want to
17 consider.

18 The Board may seek legislation granting the Board
19 additional authority to concur or object to proposed solid
20 waste facility permits, including a justification for a
21 new capacity based on existing regional landfill capacity.
22 The Board may wish to give staff direction about adopting
23 a policy or establishing new regulations addressing
24 standards for collecting or maintaining landfill capacity
25 information.

1 Alternatively, the Board may determine that
2 landfill capacity issues are adequately addressed by
3 current law, regulations and policy and wish that staff
4 take no further action on this issue.

5 Now, the staff suggested the Board may want to
6 focus its direction on Option number 2, which is in terms
7 of the policy or regulations addressing standards. Staff
8 has reported that the Legislature has addressed the issue
9 of Board authority with regard to solid waste facility
10 permits in the Cortese legislation.

11 And with that, my presentation is over and that's
12 sort of the beginning of the discussion. So as Julie
13 pointed out, there are a number of other program staff
14 involved in this issue. Our legal staff has an interest
15 in this issue, so we'll be happy to -- any of staff here
16 that is available would be happy to answer your questions.

17 CHAIRPERSON MOULTON-PATTERSON: Questions or
18 comments, discussion?

19 Jose.

20 BOARD MEMBER MEDINA: Yeah. I just wanted to
21 inquire if our Board has done any projections on what
22 landfill capacity is for the State in coming years given
23 the population projections? And if not, could we develop
24 some sort of a model and do those kind of projections?

25 FACILITIES OPERATIONS BRANCH MANAGER VLACH: I'm

1 not aware of that kind of work being done, Mr. Medina.

2 I'm sure it's technically feasible to do. If that was the
3 Board's direction and staff resources, you know --
4 providing staff resources for that kind of a project, it
5 certainly seems something that's within your purview.

6 I would defer to perhaps another person, another
7 division might be aware of that. I'm not aware of it.

8 BOARD MEMBER MEDINA: Given that we have the
9 State perspective, I wonder if it might not be incumbent
10 upon us to take a look to see what the remaining or
11 projected needed capacity is in the next 50 to 100 years
12 or whatever.

13 CHAIRPERSON MOULTON-PATTERSON: I certainly agree
14 with that.

15 Steve.

16 BOARD MEMBER JONES: I think that's a good point.
17 And it goes to -- I sat on the work panel when I was out
18 in the industry that the policy department -- or the
19 policy division had put together on landfill capacity.
20 And really what goes to the heart of getting that
21 information is the permitting capacity that's been built,
22 is it permitting capacity that's within the permit, you
23 know, for the future expansions or is it how much land do
24 we have?

25 And I think that it's -- I think it's critical

1 that we do get that information. So I support that and
2 figuring out how to do that either through closure --
3 there's actually probably three areas that we could get
4 the information.

5 But I do want to say that I sat. -- I represented
6 the Board at a catastrophe workshop for the Chair last
7 week with FEMA and with our OES that actually had the
8 director of FEMA and the director of OES there. There was
9 a lot of folks from throughout the nation, talking about
10 potential catastrophes in southern California, and the
11 preparedness that we needed to be, you know, what we
12 needed to start putting in place.

13 And they don't, just so nobody gets nervous
14 there, they're not predicting anything is going to happen
15 right away, so don't get nervous. But it is kind of nice
16 that they are doing geological based studies to see what
17 the impacts could be from a major earthquake and what the
18 likelihood would be.

19 But when it got into the recovery and it got into
20 the operational issues of how do we deal with the waste,
21 they have a number that's been floating around and
22 actually our Board is going to be able to participate in
23 some workshops that are going to come up very closely that
24 I've got to brief the Chair on as soon as we -- now that
25 she's back, that are going to be important to the

1 discussion, but they were talking about 800 million pounds
2 of material could be generated in a day or in an event.

3 And Mark Leary and I brought it to their
4 attention that, in fact, LA had 800 million pounds is
5 400,000 tons, that in the LA/Northridge earthquake a
6 million and a half tons were recycled, let alone what went
7 to landfills.

8 One of the issues we've got to know and be aware
9 of when we're talking about capacity is what happened in
10 northern California when we had the floods in Linda and
11 Olivehurst and those places, where all of that material is
12 contaminated. It can't go anywhere except to a landfill.
13 And the Marysville Landfill during the Linda and
14 Olivehurst floods took five years capacity out of the
15 landfill in a month and a half, five years of capacity.

16 So when you bridge that with how long it takes to
17 get a permit revision and to construct new cells, you
18 know, we're looking at issues of they've got to be dealt
19 with locally, I think. I think it's critical, and if you
20 look at the Cortese bill, AB 2009, that was sponsored by
21 CSAC and the League of Cities, because their argument then
22 was, capacity looking at a facility in a county integrated
23 system does not give you the picture of what's going on
24 within the entire region.

25 So to make a determination based on one of what

1 could be 20 or 30 facilities that are the integrated
2 system isn't fair to local government and let local
3 government make those decisions as part of their process.

4 So I mean I want to keep hearing the discussion,
5 but I'm convinced that this belongs with local government.
6 They're the ones that have the requirement for 15 years of
7 capacity, but I'm also convinced that we need to start
8 figuring out how to make a database, and the mechanism to
9 collect information on three aspects, what is currently
10 permitted and built, what is currently available within
11 the permit that will be future construction of cells and
12 then the estimates on facilities where, let's say they've
13 got 1,000 acres.

14 I'm going to use the wrong number in this group.
15 They've got 200 acres that they have identified as
16 potentially being landfill out of a 500 or 600 acre site,
17 but they're only permitting 100 acres of it. That 200
18 acres is part of potentially available landfill capacity,
19 and I think that's what you're getting at, Mr. Medina,
20 right, is to try to cover those. So I think there's a way
21 to honor local government and get the information.

22 CHAIRPERSON MOULTON-PATTERSON: Before I call on
23 you, Mike, I would hate to break the discussion right in
24 the middle of it, if the Board would like to go on. I
25 have to leave for a meeting with CalEPA, and I'm really

1 sorry about that, but we could either take our break now
2 or I could say how I feel about this one and you can
3 continue. What's the pleasure of the members?

4 Besides this, we still have three or four other
5 items.

6 BOARD MEMBER PAPARIAN: If it's -- I'd just as
7 soon break and then come back, because I think we may
8 have --

9 CHAIRPERSON MOULTON-PATTERSON: This could go on
10 awhile. I'm really -- I really apologize, but it is noon
11 time anyway, so it would be a good time to take our lunch
12 break. And I apologize to the audience, I will be giving
13 a chance for public comments on this item also.

14 So what do you say 1:30, 1:15, which?

15 BOARD MEMBER JONES: 1:15.

16 CHAIRPERSON MOULTON-PATTERSON: 1:15 is that okay
17 with everybody?

18 Okay, thank you. And, again, I apologize for
19 breaking in the middle of it.

20 (Thereupon a lunch recess was taken.)

21

22

23

24

25

1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: We're going to
3 call our meeting back to order and continue on Item 3
4 regarding the Audit Report on Landfill Capacity.

5 And, again, I'm sorry we had to interrupt, but
6 we'll just continue right where we are, and that was with
7 Board discussion and I believe I was going to call on Mr.
8 Paparian, Mike, next.

9 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
10 What I'd like to see with his -- actually, I'd like to see
11 some periodic reports on capacity in the State. And I
12 understand some of the issues that have been raised in
13 terms of, you know, the various definitions of remaining
14 capacity. I also understand some of the issues associated
15 with trying to gather the information, especially with
16 some of the smaller and rural facilities.

17 But my thought is that maybe we could figure a
18 way to get a start at least based on the financial
19 assurance information, which we do have and then look to
20 maybe filling in some of the blanks in terms of the some
21 of the other stuff that's been discussed, that is the
22 different ways of looking at capacity based on, you know,
23 permitted capacity and actual remaining capacity and
24 capacity based on the EIR or whatever it might be.

25 But really what I'm thinking is maybe if we could

1 get something started perhaps by the end of this fiscal
2 year by the end of next spring and then build on that over
3 time, so that we do the best we can with the information
4 we've got and then look to adding the sorts of information
5 that Mr. Jones was suggesting when he spoke before lunch.
6 If we get some of that by spring, great. If not, maybe,
7 you know, look to some sort of plan to build that in over
8 time.

9 And I think that the information that we gather
10 would be interesting and useful from a statewide
11 perspective. And I suspect some of the local governments
12 would find it interesting and useful as well, particularly
13 as we look towards some of the facilities that are out
14 there becoming more regional facilities rather than local
15 facilities.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mike.
17 I agree with staff's position to pursue Option 2. I would
18 like to see rather than a policy have it be a regulation
19 that sets standards for collecting and maintaining
20 landfill capacity information along the lines that all
21 three of the Board members mentioned.

22 And, you know, staff could investigate the
23 possibility of a central capacity database, and any way
24 that you would see reduced duplication of reports that are
25 listed on pages three through five.

1 DEPUTY DIRECTOR NAUMAN: With respect to Mr.
2 Paparian's suggestion utilizing first the data that we get
3 available through the choices, I think that's a good place
4 to start. Just to make caution so the impact of the
5 discussion won't be broke, apparently, the facilities that
6 actually use the mechanism by which we kind of, you know,
7 fill as you go are the facilities that we have that
8 information for.

9 So I wanted you to understand that it's not all
10 landfill that we have comparable financial assurance based
11 capacity information. So it's really kind of a subset of
12 facilities. And so we can start with that.

13 BOARD MEMBER PAPARIAN: Yeah, I understood that
14 from the presentation, but let me just ask this, some of
15 the bigger facilities that come to mind, you know, the
16 ones that are at, you know, over 8,000 or 10,000 tons per
17 day, would those be captured in there?

18 DEPUTY DIRECTOR NAUMAN: I don't know that we
19 know off the top of our head.

20 BOARD MEMBER PAPARIAN: What types of facilities
21 are not captured?

22 FACILITIES OPERATIONS BRANCH MANAGER VLACH: Mr.
23 Paparian, the financial assurances program sends out a
24 questionnaire to all solid waste landfills regardless of
25 what type of financial assurance mechanism they have.

1 Most of them respond, even though some of them that
2 respond don't have to respond. So we have that advantage.
3 There are some large facilities that don't respond to our
4 questionnaire.

5 BOARD MEMBER PAPARIAN: Yeah. So in those cases,
6 at least on the first go round, if we went forward trying
7 to put something out by, you know, a year from now, maybe
8 you either have some blanks or you have some best
9 estimates based on other information you might have
10 available.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 DEPUTY DIRECTOR NAUMAN: So we'll start with that
13 and then we can kind of report back to you with some
14 further ideas about what a regulatory scheme might look
15 like, which is referred to in Option 2, as having its own
16 appeal. But without specific direction, we'll consider
17 that a work-in-progress.

18 Any others?

19 CHAIRPERSON MOULTON-PATTERSON: Any other board
20 member or advisors comments, because I do believe we have
21 a speaker.

22 Was the speaker here?

23 Heidi, did you say someone wanted to speak on
24 this? I'm sorry, it's so far back there, I didn't see.
25 Come on up, please and state your name for the record.

1 MS. SMITH: Madam Chair and Board, Kelly Smith.

2 I didn't see any slips in the back, so I --

3 CHAIRPERSON MOULTON-PATTERSON: No, no that's
4 fine. I just didn't see that far back.

5 MR. SMITH: I'd like to just remind you what the
6 purposes of State Auditor's Report was, was the concern
7 that the State doesn't have a handle on the health and
8 safety and the environmental impacts of landfills. And
9 especially when people around landfills and the public get
10 very concerned when a landfill is proposed for a siting
11 anywhere, for good reason, I think it's well recognized.

12 And I think it's also well recognized that AB
13 939, which in there I think it's pretty plainly implied or
14 expressed the purpose of which is to reduce the need for
15 landfill because we don't want more landfills, because
16 landfills are bad, because they have these impacts.

17 And so the Joint Audit Committee of the
18 Legislature, in response to those concerns, ordered the
19 State Audit to be done. And one of the foremost
20 conclusions and recommendations of that report was that
21 the Waste Board, anyway, didn't have a grip on how much
22 landfill was needed. And if anything, it was able to
23 determine in fairly short order, despite the complications
24 of acquiring that data, aggregating it blah, blah, blah,
25 that there was a huge surplus of landfill capacity, more

1 than we need.

2 It was the Board's response to that Audit report,
3 I believe, which identified the fact that well, gee, we
4 don't have this information in the form where it's really
5 usable, that is on a regional basis or some sort of basis
6 that can be applied practically to identifying what's
7 required in an area or a region or a jurisdiction and
8 what's available.

9 So just to maybe catch up on where we are now,
10 the report said and staff reiterates here today that the
11 Legislature removed a lot of the ability of this body to
12 consider landfill capacity in conjunction with the plans
13 that are required by local jurisdictions by removing the
14 impede and impair language, that was a big mistake.

15 And really this Board, if it's to fulfill the
16 mission, which is mandated by the Legislature and presumed
17 by the public, should ask the Legislature for that
18 authority to again be able to address the nexus between
19 capacity and the planning and enforcement roles of this
20 Board.

21 Beyond that, I think it's really a no-brainer
22 that the public should be provided -- this Board should
23 have adequate information on landfill capacity. It's not
24 that hard to get. It comes in a variety of sources, can
25 easily -- maybe easily is an overstatement, but can be

1 readily aggregated within some level of confidence to be
2 used as the tool for many things.

3 But I would like to recommend that when you do
4 that, you think in terms of actual numbers. Let's not get
5 into the hypothetical models and so forth, which have been
6 recommended. Let's get the actual numbers and start
7 spinning from there, okay. It's been on a local basis
8 when a proposal comes up, the public can take it from
9 there. You can take it from there. The regulators can
10 take it from there. Let's get that information out.
11 Let's put it in a usable form. Let's put it in a regional
12 basis if that's what this Board and staff thinks is
13 necessary to be able to make those determinations and
14 let's do it soon. Nothing should really stop you from
15 doing that.

16 Once you have that information, the biggest gap
17 here that I see is what happens from there. What as
18 policy could this Board do? And I find the Board's
19 response to be very uncreative, unimaginative when it
20 comes to that, other than saying doggone it, the
21 Legislature took away our ability when it took way the
22 impede or impair. There is much else that can be done to
23 use that information in considering a permit that's in
24 front of you.

25 Unfortunately, this Board took away its own

1 authority, abrogated its own authority when it decided
2 that a dot on a map in a siting element was sufficient for
3 the purposes of its concurrence in a permit. By doing
4 that, you removed your ability to review this solid -- the
5 siting element, and its evaluation of a number of criteria
6 that are already in regs that could be considered.

7 You could easily require that a permit applicant
8 go back and revise the siting element, that it go through
9 the public policy review, that it then come back to this
10 Board after going through that analysis that's in red,
11 which evaluates a lot of things, including its impact on a
12 regional basis and permitting and so forth. So that's one
13 of the things that could be done.

14 The other thing is that, I also think we need to
15 be clear on one thing, siting landfills is not a local
16 concern. Nowhere in law does it say it's a local concern.
17 It's a land-use decision at the local level. It's a CEQA
18 decision when it's the lead agency, but the law puts it in
19 your hands to concur in a permit that's issued by your
20 agents at the local level, but those are agents of the
21 State not the local government.

22 So it is your job to review those permits.
23 However, when the local agency is reviewing or certifying
24 the CEQA document, as a responsible agency, you could
25 require, at that time also, that a complete discussion,

1 analysis, presentation, particularly in terms of the
2 capacity as an element of the existing environmental
3 setting could be required by your board in reviewing CEQA
4 documents early on, so that that information is provided
5 to the Board and is also provided to the local agencies
6 and all the way through the process.

7 Because I think as you're well aware, once the
8 CEQA document is certified, it becomes de facto some sort
9 of a legitimacy to the project and its environmental
10 impacts. So that's one thing you could do.

11 I think there are others. I think what's missing
12 here is really any attempt to address what the audit
13 originally looked at, which was the ability of the State
14 to assure the environmental safety, the health and safety
15 of the public around landfills and from landfills.

16 And I think that the nonresponsiveness of this
17 Board merely confirms the fears that the public has.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Smith.

21 On number four, I'm a little concerned -- I
22 understand Mr. Medina won't be back.

23 BOARD MEMBER PAPARIAN: Excuse me, Madam Chair.
24 It looks like we have one more speaker.

25 CHAIRPERSON MOULTON-PATTERSON: Oh, I'm sorry.

1 Denise DelMatier.

2 MS. DelMATIER: Thank you, Mr. Paparian. Madam
3 Chair, Members of the Board, Denise DelMatier with NorCal
4 Waste Systems. I wasn't going to speak until Mr. Smith
5 spoke. And unfortunately, I feel the need to speak
6 briefly, and only because we have a lot of new Board
7 Members that don't have a lot of the history of these
8 types of debates before them.

9 I want to first say I support option number 2 and
10 the discussion by Mr. Paparian and Mr. Jones and Ms.
11 Moulton-Patterson. I think it's a reasonable response to
12 the State Audit.

13 The Legislature has spoken rather clearly and
14 rather dramatically. And I remind board members that
15 82,000 are co-sponsored by the League and CSAC and we
16 supported that bill. The Legislature didn't just speak on
17 that bill, they spoke very dramatically in that that bill
18 passed as an urgency statute without a single no vote. So
19 I want the new board members to be aware that the
20 Legislature didn't just pass a bill here, they passed an
21 urgency bill without a single no vote.

22 And in addition, the previous debate on quote
23 "dot-on-the-map and the siting element," that was an
24 interpretation of also existing statute that was supported
25 by local government and industry, AB 3001, also by

1 Assemblymember Cortese.

2 And it was the interpretation of that statute
3 that led to the Board's policy on dot-on-the-map. So in
4 response to Mr. Smith's allegations that the Board is not
5 responding to the State Audit, I respectfully disagree,
6 and, in fact, urge the Board to move ahead on Option
7 number 2. And that is a very appropriate response to the
8 State Audit and its interpretation of those
9 recommendations and existing statute.

10 If the Board were to do otherwise, in fact, they
11 would be in violation of existing statute and the
12 Legislature's direction to this Board.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
15 DelMatier.

16 On number four I would like to postpone that.
17 Mr. Medina is not going to be back, and I'd like to have a
18 quorum before we discuss this. We can postpone it until
19 next week, since it's already been noticed, as I
20 understand; is that correct, Ms. Tobias?

21 CHIEF COUNSEL TOBIAS: Right. So what you'd want
22 to do is basically move the item to next week.

23 CHAIRPERSON MOULTON-PATTERSON: So Item number 4,
24 Discussion Of and Request for Direction on Bureau of State
25 Audits Report Recommendation Regarding the Board's

1 18-month Inspection Program, which was recommendation
2 number 7, will be postponed until next week at our
3 meeting, our regular board meeting in Long Beach.

4 Number 5, Presentation of the Permit Toolbox.

5 DEPUTY DIRECTOR NAUMAN: Thank you. Madam Chair
6 and members, Julie Nauman. This item is an informational
7 item. We're bringing you kind of an update on the permit
8 toolbox, which is our, kind of, interactive manual, if you
9 will, for the permit process.

10 And Jon Whitehill, I believe, is here to make the
11 presentation?

12 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
13 He's here. Mark De Bie with Permitting and Inspection.
14 Jon is getting it going on the computer, and I just wanted
15 to maybe start by recognizing Jon Whitehill's work on this
16 project. The Board directed staff to bring back a manual
17 of sorts relative to the permit process. There had been
18 previous versions of permit desk manuals. They became
19 outdated rapidly, and so staff decided to take a new
20 direction in having a web-based manual.

21 Now, we're referring to it as a toolbox. And the
22 assignment came to Jon Whitehill, one of our better staff
23 people in the permit process. He knows it inside and out.
24 And Jon has put together a very good toolbox that he's
25 going to run through.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mark.

2 MR. WHITEHILL: Thank you, Mark and Julie. Good
3 afternoon, Madam Chair and board members. Again, my name
4 is John Whitehill and I work with the Permitting and
5 Inspection Branch.

6 And as Mark mentioned, the permit toolbox is a
7 web site designed to help LEAs, board staff and operators
8 to navigate the sometimes complicated permit process and
9 also to quickly find permit resources that will help them
10 navigate that resource.

11 And I volunteered to head up this project and
12 develop the web site back in April of 2000. I'm pleased
13 to say that the first pages went live on line in February
14 2001. You may have received a memo from us when it first
15 went live for review by LEAs.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 MR. WHITEHILL: In a moment, we'll put on our 3-D
19 glasses and we'll do a tour on the I-MAX screen up there.

20 (Laughter.)

21 MR. WHITEHILL: But first I'd like to just
22 briefly review some of the objectives and the plan and the
23 design of the web site, and then after a short
24 demonstration go over the status of the site and then
25 we'll talk about some of the next steps and the future

1 plans of the permit toolbox.

2 Now, the objectives of the permit toolbox plan,
3 which are outlined on page three of the agenda item, those
4 were developed early on as a result of a review and
5 research of many aspects of the permit process, including,
6 you know, a detailed review of the actual permit process
7 both what's in the regulations and our in-house process
8 and then what really happens out there in the field, also
9 an examination of common permit road blocks that cause
10 problems, a review of LEA training surveys, a review of
11 the findings and conclusions of a couple of other permit
12 task forces that were commissioned back in '98 and '99 as
13 a result of our strategic plan, and then more importantly
14 a review of the compilation of all the existing permit
15 resources.

16 And I was happy to find out that there are
17 already a lot of resources out there to help with the
18 processing permits. There is a short list of those
19 resources on page two of the agenda item. I have a much
20 longer list, so I won't go into very many of those.

21 But the point is that, you know, although there
22 were gaps in our resources that we could make available,
23 the important point was that those resources were hard to
24 find. They were scattered in many different areas and web
25 sites. Sometimes there was only a hard copy and it was

1 hard to reproduce for people. And it was especially
2 difficult to find these resources, because especially now
3 that we regulate so many different kinds of facilities,
4 it's not just landfills anymore, and also in light of the
5 fact that there is five different permit tiers that you
6 have to find information on.

7 For example, the most basic resource, the
8 regulations, the landfill regulations are in Title 27.
9 Transfer Station Regulations are in Title 14, unless it's
10 a full permit, then you have to go back to Title 27. And
11 the tiered -- unless it's a standardized permit and then
12 you go to a different part of Title 14, unless you're
13 going to do other parts like RFI, and those are scattered
14 in other different parts of Title 14 and Title 27.

15 So even with the most basic resource, if you're
16 trying to complete a task in the permit process, it can be
17 hard to pull all those resources together and put it
18 together in one place. And so that's what I've attempted
19 to do with the permit toolbox.

20 As I said, the objectives are on page three and
21 those were presented at the May 2000 Enforcement Advisory
22 Committee and also at the June 2000 LEA roundtables for a
23 discussion with LEAs. And as a result of those
24 discussions, I developed a mock web site that was designed
25 to meet those objectives. And that was presented for

1 discussion and testing at the August 2000 LEA conference.

2 And, as a result of the comments that I received
3 from the conference, we used that to make changes to the
4 original plan and the original design and make adjustments
5 to the navigation features of the web site. And then I
6 drafted -- began drafting each page of the web site and
7 I'll show you what those look like in just a minute.

8 Those were all reviewed by P&I staff. Those were
9 reviewed by our Information Management Branch and also
10 reviewed by our Publications Branch. And, as I said, the
11 first pages went on line for review by LEAs in February
12 after 2001. More pages are added monthly as a result of
13 comments received from LEAs and board staff.

14 According to the web statistics provided by the
15 Information Management Branch, the site has been receiving
16 about 600 hits per month or requests per month. And about
17 two-thirds of those are external. And I'm pretty sure
18 those aren't all me.

19 (Laughter.)

20 MR. WHITEHILL: And, as I said, more pages are
21 added monthly, and also the pages are constantly being
22 updated as a result of comments from LEAs and board staff.

23 Now, if you take a look at the screen, I'll show
24 you what I mean by tying together. Is it showing up on
25 everybody's screen pretty good? I have it set for, I

1 think, the largest view.

2 This is the opening page. I send out all LEA
3 Emails every time I make changes to the web site right
4 now. And they'll get a link to the site and they'll go
5 here. And I usually recommend the LEAs go to the What's
6 New page first, especially at this early point. There's
7 the compilation kind of a log of all the changes that have
8 taken place.

9 The first pages were published back in February
10 are listed, and then the pages that were added or changed
11 in March, April, June and July.

12 And we'll continually update. When the page gets
13 too long, we'll probably create an archive, a searchable
14 archive, so that LEAs can know the status of any single
15 page, whether or not there's been changes or updates to
16 that page as they're looking at it.

17 Also, we direct them to take a look at the
18 suggestion box. We want lots of comments from LEAs. We
19 want to make sure that it meets their needs and eventually
20 when this goes out to comment to the stakeholders we'll
21 direct them to the site also.

22 And this has lots of different ways that they can
23 provide input. There's links to the background, that's
24 also in your agenda item, so that they can add further
25 comments, upcoming ways to comment, workshops and other

1 things that we need from them to help make the site
2 better.

3 And there's also a vertical menu so you can
4 quickly find certain categories of information that you
5 use quite a bit, the permit forms, sample documents,
6 contacts, you know, which LEA or which board staff person
7 to call for your county, and, of course, what's new, that
8 I mentioned earlier.

9 Most importantly is going to be what I'm
10 currently calling the Quick News. And this is where the
11 permit information is sorted into five different
12 categories. You can search for information by different
13 types of permit, the different types of facilities, the
14 different parts of an application package, permit tasks
15 that are required to complete each type of permit, and
16 then there's a compilation of common permit tools. We'll
17 take a look at the permit tiers first.

18 If you know which type of permit you're going to
19 be working on or processing, for example, an LEA might go
20 to this page first or if you just wanted to double check
21 that you were processing the right type of permit, you
22 could click here and there's a dropdown menu, and they can
23 pull down a page for each type of permit that exists in
24 the permit tiers. There's also a link to an explanation
25 of what the regulatory tiers are for some of these who are

1 kind of new to the permit process.

2 But if you were to click on, for example,
3 standardized permit tier, for someone to find out well
4 what does that mean. We don't assume that everyone is
5 going to have a knowledge of the permit process. What is
6 the standardized permit, the types of facilities required
7 to obtain a standardized permit so that you can double
8 check that you're working in the correct tier.

9 The processing requirements for a standardized
10 permit. Wherever possible we created links to the actual
11 regs. We created links to the actual regulations so that
12 you can see the -- you know, I'm not making things up,
13 these are what the regs say that you are supposed to do,
14 instead of restating or requoting the regulations whenever
15 possible and creating a link right to those sections.

16 And then most importantly at the bottom of every
17 page there's a list of resources to help you process that
18 type of permit, all the way from the actual regs to the
19 forms that you would need, to process that permit, there
20 is a sample standardized permits. There's a chart to help
21 you make sure that you're in the right tier. I think
22 there was a link to those advisories that have to do with
23 that type of permit. This is where what I think will be
24 the most common place to go. You can jump right down to
25 the resources from the top of the page to see what

1 resources are available to help the process that type of
2 permit.

3 There's a link on most of the major pages, so
4 that you can get back to those quick menus in a hurry and
5 look for something else.

6 Under facility type, there's a page for
7 landfills, transfer stations for each type of facility
8 that we regulate. Currently, some of those only go to the
9 actual regulations, but eventually there'll be a page
10 there, such as the one, for example, composting.

11 You can find out which regulations, what is the
12 process for composting, how's the permit process different
13 for composting than for other types of facilities. And,
14 of course, more importantly there's the resource list at
15 the bottom, so you can help find all those regulations for
16 processing a compost permit that are normally scattered
17 all over the regulations and the web sites.

18 The next menu that I'll show you is the permit
19 tasks. If you're working on a permit and you get stuck
20 and you just need some more information or resources and
21 you passed a certain part, you can click on one of the
22 more common permit tasks that you're working on, for
23 instance, a conformance finding.

24 This has links to the process for making a
25 determination about the Integrated Waste Management Plan

1 for that county. In addition to the resources at the
2 bottom of page, there will be -- you'll find out
3 everything you need to do to make that determination.

4 There's also a menu of all the parts of the
5 application package. Each permit requires certain other
6 documents to be submitted. And so you can click on any of
7 these and find out more information. I call that exact
8 element. You're probably -- or you might be familiar with
9 the full permit laundry list. This is just a smaller
10 quicker version of the laundry list. You can use it for
11 any type of permit though.

12 The laundry list, which you may have seen, has
13 two columns, what the operator is required to submit with
14 a full permit application package and then what the LEA is
15 required to submit with their permit.

16 So that's were -- the menu is just another way of
17 getting more information on each, you know, element of the
18 laundry list or the permit package.

19 CHAIRPERSON MOULTON-PATTERSON: Steve, did you
20 have a question?

21 BOARD MEMBER JONES: Just a quick question. Jon,
22 on the line of landfilling you showed a joint technical
23 document as one of the columns. If you were to hit that,
24 would that give an outline of what a joint technical
25 document should contain?

1 MR. WHITEHILL: You saw an RFI in here.

2 BOARD MEMBER JONES: No, JTD.

3 MR. WHITEHILL: This report of landfill --

4 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
5 It's under Landfill.

6 MR. WHITEHILL: Oh, okay. At the bottom of the
7 landfill page. I know you -- most of this information you
8 can find several different ways. There's also a direct
9 link to the joint technical document information. But
10 under landfill, if you wanted to find permit requirements
11 unique to landfills, yeah, they are required to submit or
12 a report of disposal site information.

13 There's a page on here to help you get through
14 that. This page is a part of the RFI page. There's a
15 link to each current type of RFI that we link to the
16 landfill. And if you went to the RFI part, there's a
17 draft page for the RFI guidance. This is the site
18 guidance part. And that the other eight chapters are
19 currently under development.

20 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
21 Just to interject here, Mr. Jones, since I think this
22 piqued your interest, one of the things that we're looking
23 for is additional input especially in this area. What we
24 would like to do is beef up this area by inserting
25 examples from quality RFIs or JTDs that demonstrate what

1 good submittals should look like. And part of this
2 presentation is to make more people aware of this tool.
3 And as John has already said, solicit more input,
4 especially from operators.

5 You know, so far we've been dealing with LEAs and
6 our own staff. But if an operator has a suggestion on
7 language for a JTD that has gone through the process
8 successfully and everyone agrees is quality work, that's
9 what we're looking for as to insert real examples into
10 this part. So as opposed to having a long narrative of
11 what should be submitted, we wanted to just show people
12 what has worked in the past.

13 MR. WHITEHILL: Thank you, Mark. There is a
14 placeholder that's available, so that that type of
15 information can be inserted very easily. As soon as we
16 determine and get another electronic version of, you know,
17 that part, it can very easily be inserted where each
18 section of this RVSI guidance manual would have links to
19 those types of examples or wording or phrasing that has
20 been successful in the past.

21 Any other questions?

22 CHAIRPERSON MOULTON-PATTERSON: Mike.

23 BOARD MEMBER PAPARIAN: Yeah, could you go back
24 to the page that had the pull-down menus for a second.
25 There's something that went by really fast on that, and go

1 up. Was there a box?

2 MR. WHITEHILL: This box right here?

3 BOARD MEMBER PAPARIAN: Environmental Permit
4 Applicant's Bill of Rights.

5 MR. WHITEHILL: Yeah. That's something that Cal
6 EPA requires us to have on our --

7 BOARD MEMBER PAPARIAN: So that's something we've
8 done.

9 MR. WHITEHILL: Yeah.

10 BOARD MEMBER PAPARIAN: So that's only to a Cal
11 EPA --

12 MR. WHITEHILL: That's a link to a Cal EPA web
13 site. Would you like to see what that --

14 BOARD MEMBER PAPARIAN: No, I can look at it
15 later.

16 In terms of a suggestion as -- this looks really,
17 really good by the way. I'm very impressed with what
18 you've done. In terms of a suggestion as you modify it
19 over time would be to think about someone being just a
20 member of the public who's interested in where their
21 involvement opportunities might be in the permitting
22 decision to maybe come up with some pages on --

23 MR. WHITEHILL: Opportunities for public
24 comments?

25 BOARD MEMBER PAPARIAN: Yeah and involvement.

1 Obviously, you know, in some of these things there are
2 requirements for, you know, public hearings, you know, in
3 some cases it's just stuff happening outside the public
4 process.

5 MR. WHITEHILL: I think that's an excellent idea.
6 I can add that part.

7 BOARD MEMBER PAPARIAN: Thanks.

8 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
9 To interject, again, some of our long-range plans is to
10 make this kind of tool accessible and meet the needs of a
11 broader audience. So we initially started with our own
12 staff and moved to LEAs. We wanted to have it work for
13 operators so when they're applying for permits, they know
14 what the rules are and the expectations and how the
15 processes is laid out. And I think also we would like to
16 expand it so that the general public has something to
17 glean from it and can participate in the process more
18 fully.

19 So the long-range plans definitely will be
20 expanding it. And I'm going to jump ahead a little bit,
21 too, Jon. We were thinking very long-range plans is that
22 there will be an enforcement toolbox and an inspection
23 toolbox. Our equivalent in, I believe, it's Michigan
24 where you can go into their web site, and there's a
25 section of the web site where you can go on an inspection

1 with an inspector to a landfill. And it's designed for
2 the public to inform them on what an inspector does at a
3 landfill, all the steps they go through, what they look
4 for, what they don't look for, how it all works.

5 So we're looking at that kind of model to expand
6 this into all areas.

7 MR. WHITEHILL: I think the last menu is the
8 accomplishment of tools. There are available the most
9 common tools. For instance, there is a permit task tier
10 chart, so you can find out which tasks are required for
11 each different tier out of a comparison. It is similar to
12 the equipment process and the chart form.

13 So these are all the things that are required for
14 the operator to do for each type of permit tier for
15 through notification. These are the tasks that the LEA
16 performs for each tier. These are the tasks -- and also
17 the Board down at the bottom.

18 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
19 I'm going to interject again, Jon. I just wanted to
20 recognize Jill Jones and her group is under new
21 leadership, but at that time she assisted us in looking at
22 the permit process, our internal process and how it worked
23 in the permit. And we actually used the model that her
24 and her group put together in the formatting, at least
25 that part of the web.

1 And so I just wanted to recognize their input,
2 too.

3 MR. WHITEHILL: That kind of concludes the short
4 tour of the web site. I encourage all of you to go back
5 and take a look at it. I was thinking if we had time, it
6 might be fun for you, if you had any permit questions, to
7 try it out and we could see how it works and see if we
8 could look something up, if you had a comment, permit
9 question or something that you've been wondering.

10 CHAIRPERSON MOULTON-PATTERSON: Well, Jon, you've
11 done an excellent job on this. I know you have the full
12 support of the Board to complete it, keep it updated.

13 Also, I'm really glad that you're going to be
14 sharing it at the upcoming LEA conference, because I
15 think, you know, this is going to really result in us
16 getting more timely and better permits.

17 So thank you.

18 Did anyone have any other questions or wish to go
19 through it?

20 MR. WHITEHILL: I just wanted to conclude by
21 going over some of the other next steps. Mark mentioned
22 that we're thinking about some other types of toolboxes to
23 help us compile regulations for our other duties in the
24 Permitting and Inspection. We're going to create a
25 maintenance manual to help make sure that this site does

1 stay maintained.

2 I want to be conducting more one-on-one usability
3 tests with LEAs to make sure that this site at least meets
4 their needs before we move on. And as Mark mentioned,
5 we'll be putting it out for comment from other
6 stakeholders, such as the operators.

7 And I also wanted to say a couple of thank yous,
8 Donnaye Palmer of the Permitting and Inspection Branch.
9 She's our web coordinator for our division. And she's
10 been incredibly helpful. Paige Lettington and Roger Evans
11 of the IMB, our Information Management Branch. They've
12 helped me a lot with the ideas for the design and the
13 layout for this site.

14 Of course, all the P&I staff and LEAs that have
15 reviewed it and given me comments that I could use to make
16 it better.

17 So thank you very much.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you, Jon
19 and everybody that helped.

20 BOARD MEMBER JONES: Just real quickly. I was
21 glad to see that it was Jon Whitehill that was doing this.
22 I went through three Board staff and three and a half
23 years of having them send back applications to me because
24 the permit desk manual had changed. And Whitehill took
25 over the region, and we got it done, and we got it in

1 front of the Board in a timely manner.

2 So I had full confidence that this was going to
3 end up happening and being accurate and correct, because I
4 couldn't afford for this to go any longer.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Thank you all.

7 Next, we have the Presentation of the Waste Tire
8 Management Program, 2000 Annual Report.

9 Martha.

10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

11 Good afternoon. We've been doing this report now for
12 several years. Originally, the report was a legislatively
13 mandated report under the AB 1843 legislation, but that
14 requirement was repealed in 1996.

15 However, we have continued to compile and collect
16 the data and publish it. It's useful for the industry and
17 for the Board. We originally started the effort doing
18 many of the phone surveys of the various members of the
19 industry. And in 1999 we switched to doing written
20 surveys.

21 We are also planning to use the data in these
22 reports under the five-year plan, which the Board approved
23 in March to show our progress. This year's 2000 report
24 can be a baseline for where we've started and help us
25 measure any changes in the next five years.

1 Very briefly I wanted to touch on the major
2 findings of the report. It's been estimated that there
3 were 31.6 million waste and used tires generated in
4 California. There were another 3.2 million tires imported
5 for recycling into California, and we in turn exported
6 about 1.9 million.

7 This yields a total of 22.9 million California
8 tires recycled in California and diverted to landfill
9 disposal. That gives us a recycling rate of 72 and a half
10 percent. And that's climbed steadily in the years since
11 we started in 1990 at 34 percent. That's more than
12 doubled.

13 In fiscal year 1999/2000, the Board awarded \$2.4
14 million in the market development in diversion brands,
15 bringing our nine-year program total to \$8.1 million. Our
16 permitting and enforcement efforts include the inspection
17 and regulation of 69 permitted facilities, 827 registered
18 haulers using almost 9,000 vehicles. Through our
19 enforcement activities over 500,000 tires were removed by
20 the operators in the year 2000. And our remediation
21 efforts directly removed another 1.9 million tires.

22 There are two changes that we do need to make to
23 the report. I want to thank Terry Leveille for pointing
24 these out. One is on page one, where the correct phrase
25 should be 1.7 million tires at unterminated sites. And

1 then on page six where table one is, we're going to add
2 another footnote. We had recalculated some data from the
3 1999 survey, and it shows up in this table, but we had
4 given no explanation, so we will add a footnote there.

5 If there are any questions, I'd be happy to take
6 them.

7 BOARD MEMBER PAPARIAN: In the report, I think I
8 pointed a year ago my concern about imported tires. And I
9 noticed -- you know, I noticed that the imported tires
10 have gone up again to roughly ten percent. Of the waste
11 tires we're dealing with in California right now are
12 imported from other states, and we're importing again more
13 than we're exporting?

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
15 It's the strong markets we filled.

16 BOARD MEMBER PAPARIAN: Yeah. I'll just ask you
17 on the side my other question.

18 Thanks.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you. Good
20 report. Thank you very much. I'm glad you keep on doing
21 the report.

22 Terry.

23 MR. LEVEILLE: Board members and Madam Chair, I,
24 too, think that the staff did a great job on this.

25 Terry Leveille, representing TL and Associates.

1 I do think the staff did a very fine job in terms of
2 getting the -- first of all, taking care of some of the
3 stuff that was left out in 1999. I think that they did
4 need to change some of the facts and figures that they
5 collected, and they did so. I think that my only point
6 was that they should have noticed that -- or should notify
7 in the report that there were some changes from the 1999
8 report.

9 And overall on the imports, we're still -- you
10 know, it doesn't reflect it in this, but we still are
11 dealing with some problems from imported crumb rubber from
12 Canada. And I don't know if that's going to be a separate
13 category next year.

14 I should note that the Canadian crumb rubber firm
15 that has been importing -- or exporting their product down
16 to California did sue me for slander last month, and you
17 all received a copy of my memo. And they said that I was
18 going to put them out of business with all my efforts to
19 change legislation with Assemblymember Simitian's bill,
20 whereby we were advocating that CalTrans promote a
21 by-U.S.A. policy in their crumb rubber that they bought
22 for their rubberized asphalt.

23 Now, of course, that bill is a two-year bill, and
24 we haven't got any changes in the bill at yet. But within
25 a week our crumb rubber group filed a counter-suit against

1 the Canadian company that sued us or sued me and TL and
2 Associates and the California Tire Report and all of my
3 good little things.

4 And then two weeks later they dropped the suit.
5 And just yesterday we found out that they also have paid
6 all of our legal costs to the tune of about \$7,500. So
7 not only were they mislead by Mr. Herrington who
8 represents them down here, that you can file a slander
9 suit for advocating a position on the change of
10 legislation, which apparently the Canadians did not
11 understand, but they also were probably misled by their
12 attorney down here that they shouldn't have filed, it's
13 called a slap suit essentially, and it's an attempt to
14 prevent free speech in an advocacy position for a piece of
15 legislation or a regulatory issue in front of the Board.

16 And with that, I assume that Western Rubber,
17 those that the company that does export their crumb down
18 here understands now that you can't try to threaten Board
19 Members or members of the general public or members of the
20 Crumb Rubber Association into preventing them from
21 pursuing their legitimate goals.

22 Anyway, we feel vindicated. And I'm sure that
23 Western Rubber -- even though we do hear of occasional
24 reports that the City of Roseville did just import -- did
25 just start a road project with some Canadian crumb rubber,

1 so it's still a problem. We will alert you from time to
2 time as it progresses through this next year. And we hope
3 that with due diligence, you will eventually embark upon
4 your \$80,000 study into the subject of subsidies from
5 other states and other countries, which I notice was
6 pulled from this week's agenda or next week's agenda.

7 But I would hope that you would pursue that
8 study. And we will again pursue working with
9 Assemblymember Simitian on our efforts to try to protect
10 the California crumb rubber processors.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Terry.
12 Steve.

13 BOARD MEMBER JONES: The City of Roseville used
14 Canadian crumb, you're pretty sure.

15 MR. LEVEILLE: The word we have -- and the City
16 of Roseville doesn't know that they are using it. We
17 alerted them to the fact that they are probably using it.
18 They contract with, I believe, it was Teichert. Teichert
19 subcontracts with F&F Asphalt Rubber provider. And then
20 that company in turn puts out bids. And the low bid in
21 that particular job went to Western Rubber -- went to the
22 Canadian firm.

23 And this has been one of the continuing problems.
24 There is also a sweetheart deal with a southern California
25 company, RTI, which you are familiar with, you gave a

1 major waste tire facility permit to last year, that the
2 Canadian group does provide feed stock to that company,
3 who in-turn grinds it up, sends it out for use as
4 rubberized asphalt.

5 Now, once again the product that they're using --
6 I mean, they're not directly using -- a company can say
7 that they are buying it from RTI, a California based crumb
8 rubber processor, yes, but that tire rubber is coming from
9 Canada, that tire rubber is displacing California tire
10 rubber, displacing California waste tires and sending more
11 California waste tires ultimately to the landfill.

12 Anyway, well, thank you very much. Once again, I
13 thought it was a great report and we look forward to
14 continuing our good relationship.

15 CHAIRPERSON MOULTON-PATTERSON: Thanks, Terry.

16 Okay, number six -- excuse me, I mean seven. We
17 have an update on SB 2202 Working Group Meetings that have
18 been held.

19 Is this Pat?

20 DEPUTY DIRECTOR SCHIAVO: Yeah, actually this
21 will be presented by Lorraine Van Kekerix who is leading
22 this effort. And before Lorraine starts, I just want to
23 mention, that this has really been a massive task by the
24 staff involved in performing the analysis regarding
25 constituents needs. And it's been a pretty big drain on

1 everybody, but it's going really well. And Lorraine and
2 her staff have done a terrific job.

3 CHAIRPERSON MOULTON-PATTERSON: Thanks.

4 (Thereupon an overhead presentation was
5 presented as follows.)

6 MS. VAN KEKERIX: Good afternoon, Board Members.

7 I'm just going to go through some brief highlights and
8 focus mostly today on the kinds of broad themes and the
9 recommendations that our working groups are developing.

10 SB 2202 requires that the Board develop a report
11 to the Legislature using working groups.

12 --o0o--

13 MS. VAN KEKERIX: That reports at a minimum on
14 our disposal reporting system and takes a look at the
15 accuracy of the disposal reporting system under varying
16 circumstances with the report to the Legislature to be
17 delivered in January 2002. And in December the Board
18 decided to expand this to looking at the entire diversion
19 rate measurement system, because disposal reporting is
20 closely linked with many other parts.

21 --o0o--

22 MS. VAN KEKERIX: The working groups were put
23 together for the disposal reporting system, the adjustment
24 method and alternatives to the existing system. And
25 they're working to develop recommendations that will come

1 forward to the Board. And we have a fourth group that's
2 meeting right in this timeframe called the synthesis group
3 that's combining the solutions from all of the groups to
4 develop a workable, improved diversion rate measurement
5 system.

6 And they're looking for things like places where
7 there may be overlaps in recommendations and maybe where
8 there's a gap if something has fallen between the cracks
9 and needs to be addressed.

10 --o0o--

11 MS. VAN KEKERIX: We're putting together the
12 draft report, which will go into the Board agenda item.
13 It will contain working group recommendations, staff
14 analysis of the recommendations and any additional staff
15 recommendations. We're looking to get the draft report
16 out for a public comment period starting in early August,
17 have it come back in early September and be revised and
18 released again in mid-September so that everyone will have
19 a 30-day comment period prior to the October board meeting
20 where the Board is expected to consider the report.

21 --o0o--

22 MS. VAN KEKERIX: Our synthesis group is meeting.
23 They have asked for a third meeting. We originally
24 thought we could probably get by with two, but they asked
25 for a third meeting and that will be held next Monday the

1 23rd here in the Cal EPA building. Some of the themes
2 that are included in the recommendations that they're
3 considering are listed. And I'll give you a little bit
4 more information on some of them.

5 The first one is allow flexibility. The
6 diversion rate measurement system comes up with an
7 estimated diversion rate, and so there are many cases
8 where we are being asked to provide additional flexibility
9 in what we provide. Emphasize diversion programs, not
10 diversion rates. The kinds of recommendations that are in
11 here are the -- since we have diversion rate estimates,
12 not absolute values that the Board should focus on
13 diversion program implementation.

14 There is also a recommendation being considered
15 that the Board provide a list, be provided a list in each
16 biennial review agenda item on the factors that would
17 impact the diversion rate accuracy, so that you would have
18 a chance to see whether a jurisdiction had many factors
19 that would make the diversion rate estimate potentially
20 more inaccurate.

21 And there's also a recommendation that's being
22 considered that would require statutory change, but would
23 require them to only show program implementation and
24 effectiveness and not rely on a diversion rate.

25 Another category of recommendation that's being

1 considered is that small and rural jurisdictions have
2 disproportionate share of errors and should be treated
3 differently. With a smaller amount of annual disposal
4 tons, there's a higher impact if there is an error. And
5 with adjustment method factors, such as taxable sales,
6 smaller jurisdictions tend to have more variability in
7 taxable sales year to year, and so they end up with a
8 disproportionate share of errors.

9 So one of the recommendations would be for small
10 and rural jurisdictions that we should focus more on
11 programs and less on diversion rates.

12 --o0o--

13 MS. VAN KEKERIX: Another of the broad themes is
14 to promote regional solutions. This is the case for small
15 and rural jurisdictions. If they work together as a
16 larger region, you can overcome some of the accuracy
17 issues. It also works for more urban areas where
18 jurisdiction boundaries are more complex, and it's a lot
19 easier to tell somebody like, at the gate of the landfill,
20 whether that load of waste is from LA county than which of
21 the 88 cities in the county it actually came from.

22 There are also some recommendations that are
23 being considered, in that to increase incentives and
24 remove disincentives for forming regional agencies.

25 Another broad theme is to increase Board

1 assistance. This would include recommendations, such as
2 the Board developing model ordinances to increase hauler
3 accountability and tell jurisdictions how they might go
4 about imposing penalties for misreporting.

5 Another is board funding for jurisdictions to
6 increase the accuracy of DRS through audits or other
7 activities. And board funding for new waste generation
8 and characterization studies.

9 And finally, a recommendation is being considered
10 to decrease barriers here at the Board to siting diversion
11 facilities at landfills and transfer stations.

12 The next item is expand disposal reporting system
13 enforcement. There are a series of recommendations that
14 fall into this category. And they include increasing the
15 Board audits at facilities, establishing penalties for
16 misreporting, increasing the surveys of waste from one
17 week per quarter to every day, every load delivered to a
18 landfill and transfer station with an exemption for
19 rurals, and changing the statement minimum standards for
20 landfills to require cooperation in the DRS surveys. We
21 have that requirement in the transfer station regs, but
22 not the landfill.

23 Another broad theme is to resolve special waste
24 issues. Those types of recommendations include excluding
25 Class 2 waste from the diversion rate measurement system

1 and excluding inerts at the land reclamation facilities.

2 We also have another category about improving and
3 easing reporting. And that would be to establish some
4 statewide standards for things such as requiring data from
5 haulers that they have data that they currently use for
6 billing purposes on the jurisdiction of origin of waste,
7 and establish reporting standards so that things come to
8 the Board in standard formats and more information can be
9 available through our web reports.

10 --o0o--

11 MS. VAN KEKERIX: This is the last group of
12 recommendations, improve or expand solid waste diversion
13 responsibility. These recommendations would include
14 enhancing the RMDZ program, increasing minimum content for
15 products, mandating minimum content product purchase,
16 requiring State agencies and schools to divert waste and
17 requiring generators of difficult-to-handle-waste to take
18 their products back.

19 There are a number of items where the group
20 believes that more study is needed, including some
21 investigation of additional factors on the adjustment
22 method and taking a look at whether we can improve the
23 formula. There is another category of recommendations to
24 increase flexibility in what the Board approves for
25 alternative adjustment method factors.

1 And we have testing of that and we'll explain
2 that in our report. Another category is provide
3 incentives and do away with enforcement. And one of our
4 categories, Specific Alternative Measurement Systems,
5 would make, if they're recommended, would make changes
6 more in what counts.

7 So it would remove -- some of the recommendations
8 would be remove limits on transformation for power
9 generation, encourage development of non-burn
10 transformation alternatives, and allow county level
11 diversion rate measurement without having a regional
12 agency agreement in place.

13 And finally, the last category is develop new
14 base years if the growth in a jurisdiction is greater than
15 the limits that have been tested for the adjustment
16 method.

17 Now, not all of these recommendations are going
18 to be recommended by the synthesis group. I suspect that
19 they'll have a goodly number of the recommendations, but
20 not all of them are going to be recommended as part of
21 their recommendations. In the report, all of this
22 information will be included and the appendices will
23 include detailed analyses on these recommendations.

24 We're looking forward to getting that last
25 synthesis group meeting, getting their set of

1 recommendations, seeing where the staff may differ and
2 getting the report together and out in early August.

3 Anyone who would like to take a look at more of
4 the information can go to our LG Talk Forum and all of the
5 supporting documents that have been sent out for review
6 can be found on that web site.

7 I'd be happy to answer any questions.

8 CHAIRPERSON MOULTON-PATTERSON: Questions?

9 Steve.

10 BOARD MEMBER JONES: I won't prolong this. I
11 just have a quick question. The recommendation to exclude
12 Class 2 waste and to exclude inert waste from counting as
13 disposal.

14 MS. VAN KEKERIX: Yes.

15 BOARD MEMBER JONES: Did they also know that they
16 don't get to count any of it as diversion? Are they
17 prepared to give up both sides of it?

18 MS. VAN KEKERIX: Well, that's a big question.
19 The staff did raise that point and we also raised the
20 point that they may need to have a new base year if they
21 included any of these materials in their old base year.
22 And I think that a number of the group members are
23 strongly considering this and they're also checking with
24 other similar members of their group to see whether they
25 should continue to support those.

1 BOARD MEMBER JONES: I guess my question would
2 be, in the recommendations that you're going to put
3 forward to the Board for 2202, if the recommendation
4 includes an exclusion of Class 2 waste, will there also be
5 dialogue or a description of the need to exclude Class 2
6 contaminated soils that's used every day as ADC to not
7 count?

8 MS. VAN KEKERIX: Yes.

9 BOARD MEMBER JONES: Because people need to know
10 they can't have it both ways.

11 MS. VAN KEKERIX: Right. Yeah, the report will
12 be included in the staff analysis, and we will be making
13 the points that if you can't count it as disposal, you
14 can't count it as diversion, and also that you may be
15 required to do base year if things are excluded.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
17 very much, Lorraine, for your report.

18 Any final questions?

19 Any final public comments before we conclude?

20 MR. EDGAR: Madam Chair, Board Members Sean Edgar
21 on behalf of the California Refuse Removal Council. A
22 couple quick comments pertaining to number five, the
23 Permit Toolbox. Great toolbox. I'd like to carry one
24 with me and compliment Mr. Whitehill and his group as well
25 as the Board for encouraging that. The old permit desk

1 manual that I have from 1992 in my office doesn't do me a
2 lot of good.

3 We forged ahead on a whole new range of acronyms.
4 I've got TPRs, Transfer Processing Reports. I've got
5 facility planners. I've got all sorts of things, and now
6 I have a better road map. So I feel good that I can now
7 click, point and shoot. On behalf of the 15 landfill
8 operators that I represent with regard to the hundred
9 permitted material, recovery facility transfer stations,
10 it's a great tool.

11 And knowledge is power as we evolve into the next
12 generation of what additional knowledge we're going to put
13 in there, things like compliance history and things of a
14 whole realm of information. We want to be engaged and
15 involved in that process too, to make sure that the next
16 generation of information that's submitted is of value,
17 that the public can understand what's the difference
18 between a notice to comply and an area of concern. So as
19 we slice and dice that information, we want to be engaged
20 in that process and ensure that the information out there
21 has some value, as well as it's not subject to being
22 misinterpreted. And those were my comments on number 5.

23 On number 7 very briefly, we have appreciated the
24 opportunity to participate in this. I've never had such a
25 flurry of Email exchanges and notifications to such a

1 broad party with regard to the SB 2202 workshops. I would
2 compliment staff once again on keeping everybody in the
3 loop on that. Whereas, you know, it was a forum to come
4 forward with draft recommendations, a few of which I'll
5 address now, but we do appreciate the opportunity to have
6 participated.

7 It's very interesting, just real quickly on some
8 of the draft recommendations, we had one which was Remove
9 Barriers to Diversion Facilities. Yeah, we support
10 removing barriers to diversion facilities. One I
11 mentioned earlier in my early comments was pertaining to
12 solid waste facility planning and how difficult that is.

13 We've had some expressions from this Board in the
14 past that the plan is more important than the permit or
15 the plan is more important than the facility. And we've
16 consistently wanted a precise and direct path for
17 permitting diversion facilities. And we appreciated the
18 Board's efforts in that direction.

19 With regard to the Class 2 situation off the
20 books, Agenda Item 23 that the Board talked about earlier,
21 also addressed some of off-the-books items, and what has
22 been discussed is off-the-books in the past has not
23 necessarily maintained that over the years. And agenda
24 Item 23 has some items in there that I'm sure the Board
25 will be addressing with regard to what counts now and who

1 said what was going to count later. So I'll encourage a
2 good hearing on Agenda item 23 as we go to Long Beach next
3 week.

4 With regard to the hauler issues, I've sat in
5 many of these meetings, especially in Los Angeles, and
6 I've seen the haulers that -- thank goodness I usually sit
7 toward the back of the room near the door, because it
8 tends now that the haulers seem to be in a lot of cases
9 with the barrier to reporting. And I guess my -- in
10 certain atmospheres, yes, I guess they are, but with
11 regard to the, primarily, franchise companies that I
12 represent, if the jurisdiction isn't getting information
13 under the contract that they have with their haulers, then
14 they've got the contract, I guess. And our companies are
15 forthrightly coming forward with all the information that
16 are required under the franchise agreement.

17 And in certain atmospheres where you have a very
18 difficult marketplace, I could see where some haulers get
19 that, but I would appreciate if the good work of many of
20 the haulers over the years not only implementing the
21 program, but also doing everything possible under their
22 agreements with their jurisdictions to provide the
23 information, I think that story should be told as well.

24 The last item with regard to the let's give
25 indicators and no enforcement with regard to AB 939 roles,

1 I think it sounds interesting. Historically, CRC has
2 taken a position that at least we embark upon AB 939 with
3 all the incentive and disincentives for fines, penalties,
4 assessments and whatnot.

5 I think at the stage where we get down toward the
6 end of the ball game and we say well, now we aren't really
7 going to enforce that, I think that devalues a lot of
8 investment, time, sweat, energy of all people involved in
9 the process. I don't believe that there is a -- we can
10 come down to a time when we're expecting that score card
11 and we say -- or report card and we say well a report card
12 is not going to be issued.

13 So I'd like you to consider those comments as
14 well. Thanks for the opportunity to speak today.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you, Sean.

16 Okay, we're adjourned.

17 (Thereupon California Integrated Waste
18 Management Board Agenda Briefing Workshop
19 was concluded at 2:40 p.m.)

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 Agenda Briefing Workshop was reported in shorthand by me,
8 James F. Peters, a Certified Shorthand Reporter of the
9 State of California, and thereafter transcribed into
10 typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said workshop nor in
13 any way interested in the outcome of said workshop.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 27th day of July, 2001.

16

17

18

19

20

21

22

23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 10063